

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.6515 of 2018 (O&M)
Date of decision: 21.3.2018

M/s Doon Caterers

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.N.P.Bhardwaj, Advocate for the petitioner.

Mr.Amit Kumar and Mr.Karminder Singh, Sr.Standing counsel
for UOI-respondents.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 8.3.2017 and letter dated 28.12.2017 by which it is ordered that contract of tea stall No.2 on platform No.1 at Jalandhar Cantt. Railway Station which was granted for a period of five years w.e.f. 23.3.2010 to 22.3.2015 and further extended for a period of three years w.e.f. 23.3.2015 to 22.3.2018 would come to an end on 22.3.2018 and SS/JRC Jalandhar has been directed to close the said tea stall on the midnight on 22.3.2018, asking the petitioner to remove the structure.

Counsel for the petitioner has submitted that Ministry of Railways had issued a letter on 28.12.2017 for temporary extension of existing minor static catering units for a period of 6 months beyond 31.12.2017 till finalisation of new tenders whichever is earlier. It is submitted that the petitioner may be allowed to continue for six months or till the finalisation of new tenders, whichever is earlier.

In this case, notice of motion was issued on 20.3.2018 for today.

Sh.Amit Kumar and Sh.Karminder Singh, Advocates have put in appearance on behalf of the respondents and have submitted that the letter dated 28.12.2017 has further been explained/clarified by the respondents by another letter dated 2.2.2018 in which it has been specifically mentioned that the extension is not applicable to the minor Catering Units allotted by IRCTC as these units will not be governed by Catering Policy 2005, as also mentioned in para 26.1.1 Catering Policy-2010.

There is no denial on the part of the petitioner that static Catering Unit of the petitioner has been allotted by the IRCTC. Learned counsel for the petitioner, however, submitted that this action of the respondents in not giving extension, which was allotted by the IRCTC, is arbitrary and illegal. In this regard, counsel for the petitioner has submitted that this matter has already been decided by this Court in **CWP No.7839 of 2017 titled as M/s A.K.Roy Vs. Union of India and others decided on 14.9.2017** and further by the Division Bench of this Court in **LPA No.69 of 2018 (O&M) titled as M/s K.K.Kapoor, Railway Caterer Vs. Union of India and others decided on 22.2.2018.**

After hearing the learned counsel for the parties and taking into consideration the aforesaid facts and circumstances, I am of the considered opinion that there is no merit in the petition because the petitioner was given the contract by the IRCTC and not under the Catering Policy 2005 or 2010. Counsel for the petitioner has submitted that ICRTC has left the

difference in this case because the railways have specifically issued the instructions. The matter in this regard has been thoroughly dealt with by this Court in the case of **M/s A.K.Roy (supra)**.

In view of the aforesaid facts and circumstances, I do not find any reason to interfere in this petition and hence the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

21.3.2018
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No