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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17th October, 2019

+ W.P.(C) 2043/2019 and CM No. 9625/2019

SARVA CHINTAN FOUNDATION AND ANR.

..... Petitioners

Through: Ms. Radhika, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Jitendra Kr. Singh, Standing
Counsel-Railway

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
17.10.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 2043/2019

1. This Public Interest Litigation has been preferred with the following prayers :

“(i) to quash / set aside / modify Clause 8.1 wherein Respondents / Railways have allowed 'private parties' i.e. certified by FSSAI, in Circular No. 2016ArG/III/600/I/Pt dated 27.02.2007 regarding allotment of Milk and Milk Product stalls at Railway Platform falling in Northern Railways;

(ii) to quash/set aside the allotments on the basis of Tender No. Milk Booth/01/2019 dated 28.01.2019 (based on Clause 8.1 of Circular dated 27.02.2017).

(iii) to direct the Respondent/Railway to follow its earlier policy dated 19.04.2005, 05.09.2005, 21.07.2010 regarding allotment of Milk Stalls/Booth at Railway stations.

(iv) Pass such other/further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case to meet the ends of justice.”

2. Having heard counsel for the petitioner and looking at the facts and circumstances of the case, it appears that the present petitioner is in search of continuation of the earlier policy dated 21st July, 2010 (Annexure D) floated by the respondents.

3. Counsel appearing for the petitioner submits that as per the earlier policy the local cooperative societies were permitted to install milk booths on the Railway Platforms.

4. Now as per new policy dated 27th February, 2017 (Annexure F) the milk stall licenses shall be awarded to apex dairy cooperative societies approved by the Government, dairy cooperative federation/members of National Cooperative Dairy Federation of India Limited (NCDFI) and/or developed under the aegis of Operation Flood Programme, bodies/agencies registered/certified by FSSAI for the sale of milk and milk products. For ready reference, clause no. 8.1 of the new policy dated 27th February, 2017 floated by the respondents reads as under :

“8.1 Milk Stall license shall be awarded to apex dairy cooperative societies approved by Government, dairy cooperative federations/members of National Cooperative Dairy Federation of India Limited (NCDFI) and/or developed under the aegis of Operation Flood Programme, bodies/agencies registered/certified by FSSAI for sale of milk and milk products.”

5. In view of the aforesaid new policy, now the local cooperative societies may not be given preference for installing the milk booths. We see no reason to interfere with the policy decision dated 27th February, 2017 (Annexure F) of the respondents, especially when no monopoly has been created by the respondents in favour of any particular milk vendor. The policies are bound to be changed looking at the need of the public at large and while exercising our powers under Article 226 of the Constitution of India, we are not inclined to interfere with the policy decision of the respondents.

6. Hence, there is no substance in this writ petition and the same is therefore dismissed.

CM No. 9625/2019 (stay)

In view of the dismissal of the writ petition, this application also stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

OCTOBER 17, 2019/kr