



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.NO.20944 OF 2021

AND

WMP NO.22215 OF 2021

B.Abbas

...Petitioner

Versus

The Senior Divisional Commercial Manager
Southern Railway
Salem Division
Commercial Branch
Salem 636 005

...Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to grant license in favour of the petitioner for operating the catering stall on PF 3/4, Coach position 9/10 towards SRR at Coimbatore Railway Station till tenders are called for, for grant of license.

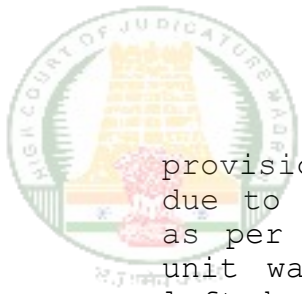
For Petitioner : Mr.Ar.L.Sundaresan, Senior Advocate
for Ms.Al.Ganthimathi

For Respondent : Mr.P.T.Ramkumar

ORDER

The prayer made in this writ petition is to issue a Writ of Mandamus directing the respondent to grant license in favour of the petitioner for operating the catering stall on PF 3/4, Coach position 9/10 towards SRR at Coimbatore Railway Station till tenders are called for to grant license.

2. According to the petitioner, he is a Railway Catering contractor having catering stalls under the Southern Railway in various places. He also participated in the tender for award of license for operating catering stall on Platform No.3/4 Coach position 9/10 towards SRR at Coimbatore Railway Station and was declared as the highest bidder. Therefore, on 09.09.2015 a letter of award was granted to him for operating the catering stall for a period of 5 years under OBC Category at a



provisional license fee of Rs.4,09,200/- per annum. However, due to Covid 19 pandemic, a national lockdown was announced and as per the instructions from the Railway Authorities, the said unit was closed on 23.03.2020 when actually seven months were left before completion of the contract period. On 06.12.2020, the said stall was reopened on a special modified license fee imposed by the respondent. While so, on 17.09.2021, the petitioner made a representation requesting to permit him to open his unit till the finalization of the tender and award of licence in favour of the prospective bidder, however, the said representation dated 17.09.2021 of the petitioner has not been considered till date. Finding no other option, he has come up with this writ petition for the aforesaid relief.

3. Today, when the writ petition is taken up for consideration, the learned Senior counsel for the petitioner produced a copy of the communication dated 01.10.2021 issued by the Assistant Commercial Manager - I on behalf of the respondent, wherein it is stated as follows:-

"In pursuant to the judgment delivered by Honourable Supreme Court on 29.01.2016 in Civil Appeal No. 618-620/2016 (SLP (C) No. 9921-23/2014) Railway Board vide Circular CC 22 of 2017 issued direction for renewal of catering contract as per Catering Policy 2010. As such you are eligible for renewal of the contract duly abiding the conditions mentioned thereof in CC 22 of 2017.

This office vide letter even No. dated 21.09.202 have advised you to submit your willingness for renewal of the contract as per CC 22 of 2017 within a week's time. Vide letter referred above you have requested this office for permission to operate the unit till such time new contract is awarded.

In this regard, it is informed that as per existing policy in vogue, extension of catering licence is governed by Railway Board Circular CC 22 of 2017. Hence your request to operate the unit further on temporary basis is deeply regretted. However, you have been given an opportunity of renewal of contract as per CC 22 of 2017 conditions. You are once again advised to submit your willingness along with the affidavit for renewal of contract. Your request made reference No. (1) is disposed thereof."

4. The learned Senior Counsel for the petitioner submits that no tender has been called for till date for award of license of the catering stall, for which, the learned standing counsel appearing for the respondent submitted that the



authorities already called for tender and it is always open to the petitioner to participate.

5. Recording the submission so made by the learned counsel appearing for the respondent, this writ petition stands disposed of, leaving it open to the petitioner to approach the authorities concerned for appropriate relief, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

av/rsh

To

The Senior Divisional Commercial Manager,
Southern Railway,
Salem Division,
Commercial Branch,
Salem 636 005.

+1cc to Mr.A.L.Ganthimathi, Advocate SR.No.53931

+1cc to Mr.P.T.Ramkumar, Advocate SR.No.53753

WP No.20944 of 2021

PCH(CO)
RVM(01/12/2021)