

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8726 of 2022

Khagaul Labour Co-operative Society Ltd. represented through its President
Mr. Manoj Kumar Ambastha, S/o Rajendra Prasad, Opposite Durga Colony
Khagaul Road, P.O. and P.S.- Khagaul, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Dighi, Hajipur, District- Vaishali.
3. The Principal Chief Commercial Manager, East Central Railway, Hajipur.
4. The Principal Financial Advisor, East Central Railway, Hajipur.
5. The Divisional Railway Manager, East Central Railway, Danapur.
6. The Senior Divisional Commercial Manager, East Central Railway, Danapur.
7. The Sr. Divisional Finance Manager, East Central Railway, Danapur.
8. The Divisional Commercial Manager, East Central Railway, Danapur.
9. The Assistant Commercial Manager (Goods), East Central Railway, Danapur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Shukla, Advocate

For the Respondent/s : Dr. K.N. Singh, Additional Solicitor General

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 29-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“i. For issuance of a writ in the nature of Mandamus directing/commanding the concerned respondents to pay the outstanding Loading/unloading bills relating to “Kisan Special” Train originating from Devlali (Maharashtra) terminating at Muzaffarpur -via-Danapur, East Central Railway to the tune of Rs. 3,79,28,783/- (THREE CRORE SEVENTY LAKHS TWENTY-EIGHT THOUSAND SEVEN

HUNDRED AND EIGHTY-THREE) plus two months bills for the month of January & February i.e. , approx. Rs. 30 Lakhs per month totaling to Rs. 60 Lakhs.

ii. For issuance of an appropriate writ directing/commanding the concerned respondents to release the PVC (Price Variation Clause Bills), Security Deposit, Performance Guarantee which are being detained due to non-payment of Loading/Unloading bills pertaining to “Kisan Special” Train. The details of which are given in the factual matrix.

iii. Any other relief/reliefs for which the petitioner may be found entitled in the given facts and circumstances of this writ application.

iv. This Hon’ble Court is further prayed to adjudicate and hold that the payment of the Society has been held up by the East Central Railway for no fault of the Society because the Central Railway has already paid entire bill of the commenced work barring 13 months bills but the East Central Railway for the same work i.e., to say for the unloading works is not making payment on one count or the other.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned **i.e. respondent no. 6, The Senior Divisional Commercial Manager, East Central Railway, Danapur** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority

concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes

recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	