

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16768 of 2022

M/s Raj Information Construction through its sole Proprietor Bharat Kumar Singh, (Male), aged about 50 years, S/o Late Baldeo Singh, resident of Mohallah- D.N. Singh Lane, B-Area, Mithapur, P.O.- G.P.O. Patna, P.S. Jakkanpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Railway, Rail Bhawan, New Delhi-1.
2. The General Manager (G.M.) East Central Railway (E.C.R.) Hazipur Zone, Vaishali at Hazipur.
3. The Principal Chief Mechanical Engineer (PCME) East Central Railway (ECR) Zone Hazipur, Vaishali at Hazipur, Bihar.
4. Divisional Railway Manager (D.R.M.) Samastipur Division (E.C.R.) Samastipur.
5. Assistant Divisional Rail Manager (ADRM) Samastipur Division (ECR) Samastipur.
6. Senior Divisional Mechanical Engineer (Sr. DME) Samastipur Division (ECR) Samastipur.
7. The Divisional Mechanical Engineer (D.M.E.), Samastipur Divisional (ECR), Samastipur.
8. The Divisional Environment House Manager (DENHM) Samastipur Division (ECR) Samastipur.
9. The Additional Divisional Mechanical Engineer (ADME) Samastipur Division (ECR) Samastipur.
10. The Senior Section Engineer (SSE/Linen) Samastipur Division (ECR) Samastipur.
11. The Coaching Depot. Officer/Assistant Mechanical Engineer, ECR, Darbhanga, Samastipur Division, ECR, Samastipur.
12. The Coaching Depot. Officer/Assistant Mechanical Engineer Jai Nagar, Samastipur Division, ECR, Samastipur.
13. The Coaching Depot. Officer/Assistant Mechanical Engineer Raxol, Samastipur Division, ECR, Samastipur.
14. The Coaching Depot. Officer/Assistant Mechanical Engineer Saharsa, Samastipur Division, ECR, Samastipur.
15. The Senior Section Engineer/ Carriage and Wagon (C and W) Darbhanga, Samastipur Division, ECR, Samastipur.
16. The Senior Section Engineer/ Carriage and Wagon (C and W), Jai Nagar, Samastipur Division, ECR, Samastipur.
17. The Senior Section Engineer/ Carriage and Wagon (C and W), Raxol,



Samastipur Division, ECR, Samastipur.

18. The Senior Section Engineer/ Carriage and Wagon (C and W), Saharsa, Samastipur Division, ECR, Samastipur.
19. The Senior Section Engineer/Section Engineer/Junior Engineer/Bed Roll Counting Incharge, Darbhanga Depot. Samastipur Division, ECR, Samastipur.
20. The Senior Section Engineer/Section Engineer/Junior Engineer/Bed Roll Counting Incharge, Jai Nagar Depot. Samastipur Division, ECR, Samastipur.
21. The Senior Section Engineer/Section Engineer/Junior Engineer/Bed Roll Counting Incharge, Raxol Depot. Samastipur Division, ECR, Samastipur.
22. The Senior Section Engineer/Section Engineer/Junior Engineer/Bed Roll Counting Incharge, Saharsa Depot. Samastipur Division, ECR, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Dr. K.N. Singh (ASG) Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 16-12-2022

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

“(a) To quashing the letter no. M/ 277/ Mech/ Bed Roll Distribution/ 2022 dated 17/10/2022 issued by the office of the DRM (Mechanical) Samastipur, signed by Senior Divisional Mechanical Engineer (C&W) EC Railway Samastipur by which the contract for distribution of bed roll to the passenger of AC Coaches in trains of SPJ(Samastipur) Division



has been rescinded and further order to encased/ forfeited the performance guarantee (P.G.) amount and further ask the petitioner to deposit an amount of Rs. 1,87,96,343.37 (Rupees one Crore Eighty seven lakhs, Ninety six thousands, Three hundred forty three and thirty seven paisaj towards linen loss up to 30/9/2022 and also ordered to deposite the amount of linen loss up to date of termination and further debarred the petitioner from participation in the bid for executing any work being tender by the said Railway division for period of two years from the date of issue of the letter (Annexure-10)

(b) For quashing the letter no M/277/Mech/Bed roll distribution/2022 dated 2/11/2022 issued by the office of the DRM Mechanical EC Railway Samastipur. With reference to GCM contract No. GEMC-511687714904303 dated 21/6/2022 in connection with distribution of bed roll to the passenger AC Coaches in trains of SPU Division addressed to all the Sr. DEEG Sr. DFM, Sr. DME (C&W) of all the Railway Zone by which an information forwarded to all concerned that the contract of petitioner has been terminated by office letter dated 17.10.22 and further informed loss of an amount of Rs 2,18,84,436.00 (Rupees Two Crores Eighteen Lacks, Eighty four thousands four hundred and thirty six Only) with a request to recover from the firm's (petitioner) current bills, on account bills security deposit performance guarantee if any (Annexure 11)



(c) For directing the respondents to calculate the loss occurred if any, by the act of the petitioner, in view of the rate on which the quantity of loss of linen item calculated by the Darbhanga Depot, Jainagar Depot, Saharsa Depot and Raxaul depot of ECR (Eastern Central Railway).

(d) For directing the respondents to recall the letter no. M/277/Mech./Bedroll distribution/2022 dated 2/11/2022 issued by the office of the DRM Mech. E.C. Railway Samastipur by which a request has been made to all the railway zones in India for loss of an amount of Rs. 2,18,84,436.00 (Rupees Two Crores Eighteen Lahks, Eighty four thousands, four hundred and thirty six Only) to recover from the firm's (petitioner) current bills, on account bills, security deposit performance guarantee if any with reference to GCM contract No. GEMC- 511687714904303 dated 21/6/2022 and further to communicate the same to all Railway Zones in India.

(e) For directing the respondent concerned to fill up the measurement book with respect to the work done by the petitioner in view of contract no. GEMC-511687714904307 dated 21/6/22 and further submit the bill for making payment to the petitioner in view of the letter dated 14/9/22 issued by the office of DRM Mechanical, Samastipur divisions (Annexure 5)

(f) For to pass such other order for orders as your Lordships may deem fit and proper in the



facts and circumstances of this case.”

After the matter was heard for some time, Shri Y.V. Giri, learned senior counsel for the petitioner, states that even though the contract provides for a grievance redressal mechanism, it would be only appropriate in the attending circumstances, more so when the respondents have deducted amounts from other agreements entered into between the parties and that the petitioner has been debarred for a period of two years from executing any other work, that respondent No. 6, namely Senior Divisional Mechanical Engineer (Sr. DME) Samastipur Division (ECR), Samastipur considers the petitioner's request, subject-matter of the instant petition, which the petitioner shall be making in due course.

Mr. Kumar Priya Ranjan, learned counsel for the respondents, states that it would be only appropriate for the petitioner to take recourse to the remedies provided under the agreement, but nonetheless, any request made by the petitioner shall be considered and decided expeditiously in accordance with law.

We only hope and expect that any request made by the petitioner shall be dealt with strictly in accordance with law



and decided expeditiously and preferably within a period of four weeks.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2022
Transmission Date	

