

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.905 of 2022

1. Khagaul Labour Co-operative Society Ltd. Represented through its President, Mr. Manoj Kumar Ambastha, Aged about 51 years, Male, S/o Rajendra Prasad, having its registered office at Nimtalla Road, P.O. and P.S.- Khagaul, Patna- 801105.
2. Khagaul Loco Labour Co-operative Society Ltd. Represented through its President, Mr. Sanjay Kumar Gupta, aged about 47 years, Male, S/o Late Amar Nath Gupta having registered office at Jairam Bazar, P.O. and P.S.- Khagaul, Patna- 801105.
3. Eastern Railway Porters Shramik Sahyog Samiti Ltd. Represented through its President namely Rameshwar Paswan, Aged about 68 years, Male, S/o Tanik Paswan, having its registered office at P.O. and P.S.- Begumpur, Patna- 800009.
4. Eastern Railway Porters Shramik Sahyog Samiti Ltd. represented through its Secretary namely Mr. Devendra Paswan, aged about 60 years, Male, S/o Jageshwar Paswan, having its registered office at P.O. and P.S.- Khagaul, Patna- 801105. ... Petitioners

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Dighi, Hajipur.
3. The Principal Chief Commercial Manager, East Central Railway, Dighi, Hajipur.
4. The Divisional Railway Manager, East Central Railway, Danapur.
5. The Sr. Divisional Commercial Manager, East Central Railway, Danapur.
6. M/s Rakshak Securitas Pvt. Ltd. T-5, Plot No. 12, Manish Plaza-III, Sector-10, Dwarka, New Delhi-110075 through Deputy General Manager, Sri Manish Mani, son of Late Nawal Kishore Singh. ... Respondents

Appearance :

For the Petitioners	:	Mr. Rama Kant Sharma, Sr. Adv. Withy M/sRavindra Kumar Shukla, Pratyush Pratap Singh & Ritu Raj Shukla, Adv.
For the UOI	:	Mr. Dr. K.N. Singh, ASG with Mr.Ramadhar Shekhar (Addl. S.C. Railway)
For Respondent No. 6	:	Mr. Raju Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

9 04-12-2023

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the



following reliefs :

i. For issuance of an appropriate writ in nature of certiorari to quash the 03 notices dated 30.12.2021 issued under the seal and signature of Sr. Divisional Commercial Manager, Danapur, by which fresh applications were invited for filing tender for awarding of Parcel handling contract for Loading Unloading, & Transshipment of Parcel & Luggage at Patna Jn., Rajendra Nagar Terminal and Danapur Station.

ii. For issuance of an appropriate writ in the nature of mandamus directing/commanding the concerned respondents to follow the circular guidelines issued by the Railway Board in respect to granting parcel handling contract work to the genuine labour Co-operative Society strictly following the directions and guidelines issued by the Railway Board from time to time.

iii. This Hon'ble Court is further prayed to adjudicate and hold that the action of the concerned respondents discharging the 03 tenders vide notice dated 03.06.2021 for parcel handling contracts of Danapur Station, Patna Junction and Rajendra Nagar Terminal under the Commercial Department of Danapur Division of the East Central Railway issued under seal and signature of Sr. DCM, Danapur, which is highly arbitrary, illegal and contrary to the policy decision of the Railway Board dated 21.09.1973.

iv. Any other appropriate writ/writs be issued, direction/directions be given, order/orders be passed for which the petitioners may be found entitled in the given facts and circumstances of this case.

3. Learned counsel for the petitioners has stated that pursuant to the interim order granted by this Court, the petitioners have been rendering the services of loading, unloading & transshipment of parcel and luggage at Patna Junction and Rajendra Nagar Terminal till date. That in so far as the Danapur Railway



Station is concerned, the same was initially awarded to Respondent No. 6 and after the contract period had come to an end on 21.02.2023, a fresh tender has been floated in which the petitioners were successful and awarded the contract. Learned counsel has fairly stated that in so far as the tender floated for loading, unloading & transshipment of parcel and luggage at Patna Junction and Rajendra Nagar Terminal are concerned the stipulated period of contract has already expired and, therefore, the main prayer in the writ petition has become infructuous and nothing survives to be adjudicated.

4. Learned counsel has stated that the authorities may be directed to pay the amounts due to the petitioners for the services rendered by the petitioners in so far as loading, unloading & transshipment of parcel and luggage at Patna Junction and Rajendra Nagar Terminal are concerned for the period that they having been rendering service.

5. Learned counsel appearing for the respondents authorities has stated that the authorities shall consider the claim of the petitioners if any representation is made by the petitioners along with supporting documents and the payments made accordingly.

6. Having regard to the above, the writ petition is disposed off with a direction to the petitioners to make a representation along with supporting documents within a period of



four weeks from the date of receipt of this order. On such receipt of the representation the respondents authorities shall consider the claim of the petitioners for payment of the amounts due to the petitioners for the services rendered by them for Patna Junction and Rajendra Nagar Terminal.

7. The authorities shall make the payment as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of the representation made by the petitioners.

8. In case the petitioners make any representation for the amounts due for the services rendered by the petitioners after they were awarded the contract for Danapur Railway Station, the same shall also be considered by the authorities concerned in accordance with law.

9. It is always open to the petitioners to challenge the conditions of the tender if any new tender is floated by the authorities concerned.

10. With the above directions, this writ petition stands **disposed off**.

(A. Abhishek Reddy , J)

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