

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3694 of 2020

Shahid Beg Son of Late Salauddin Khan Sarkar, Resident of Mohallah-Gandhi Neem, P.O. and P.S.-Sasaram, District-Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur, District-Vaishali at Hajipur (Bihar).
2. The Senior Divisional Commercial Manager, East Central Railway, Mugalsarai, P. O. and P.S.-Mugalsarai, District-Chandauli (U.P.), Pin Code-232101.
3. The Chief Commercial Manager, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur, District-Vaishali at Hajipur (Bihar).
4. The Indian Railway Catering and Tourims Corporation Limited, Having Registered Office At B-148, 11th Floor, Stateman House, Barakhamba Road, New Delhi-110001, through its Chairman Cum Managing Director, Having its Corporate Office, 9th Floor, Bank of Baroda Bhawan, 16 Sansad Marg, New Delhi-110001.
5. The Group General Manager, Indian Railway Catering and Tourism Corporation Limited, Corporate Office, 9th Floor, Bank of Baroda Bhawan, 16 Sansad Marg, New Delhi-110001.
6. The Group General Manager, Indian Railway Catering and Tourism Corporation Limited, Eastern Zone, 3, Koylaghar Street, Ground Floor, Kolkata-700001.
7. The Area Officer, Indian Railway Catering and Tourism Corporation Limited, Mugalsarai, P.O. and P.S.-Mugalsarai, District-Chandauli (U.P.), Pin Code-232101.
8. The Regional Manager, Indian Railway Catering and Tourism Corporation Limited, 4th Floor, Biscouman Tower, West Gandhi Maisan, P.O.-G.P.O., P.S.Gaidhai Maidan, District-patna (Bihar), Pin Code-800001.
9. The Station Manager, East Central, Railway, Sasaram Junction, District-Rohtas (Bihar).
10. The Catering and Tourism Inspector, East Central Railway, Sasaram Junction, District-Rohtas (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uday Prasad Singh, Advocate
For the IRCTC	:	Mr.Ramesh Kumar Agarwal, Advocate
For the Railway	:	Mr.Kumar Priya Ranjan, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 15-02-2023 The petitioner Shaid Beg is son of deceased Salauddin Khan Sarkar. Deceased was provided license for running restaurant by the Railway Authorities. Deceased died in the month of November, 2017. The petitioner had filed CWJC No. 10649 of 2018 and it was withdrawn on 21.12.2019.

In this background whether petitioner is entitled to have the license which stood in the name of deceased Salauddin Khan Sarkar or not?

Learned counsel for the petitioner could not apprise this Court with reference to any policy decision of the Railway Authorities that in the event of death of a licensee, in such circumstances license could be transferred in the name of kith and kin of the deceased license holder. On the other hand, he is relying on the Apex Court decision in Civil Appeal No. 618-620 of 2016 dated 29.01.2016. The cited decision do not assist the petitioner for the reasons that in the cited decision matter relates to renewal of existing license after its lapse, whether they have right or not? Moreover, he has not sought for liberty to file fresh petition when earlier CWJC No. 10649 of 2018 was decided on 29.01.2016.

In the light of these facts and circumstances the



petitioner has not made out a case. Accordingly, the present
petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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