

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13104 of 2017

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Samresh Kumar Singh Son of Dinesh Kumar Singh Chief Executive of MAA
SIKXIT BEROJGAR SRAMIK SWALAMBI SAHKARI SAMITI LTD.
Indira Nagar, Laliyahi, P.S. Sahayak, District Katihar.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Railway Board, Rail Bhavan New Delhi.
2. Divisional Railway Manager N.R. Railway P.S. and District Katihar.
3. Senior Divisional Commercial Manager N.F. Railway P.S. District Katihar.
4. Assistant Commercial Manager, N.R. Railway, P.S. and District Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Ms. Chaya Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

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

5 17-05-2023 Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief:

“That this is an application for issuance of a Writ in the nature of certiorari or an appropriate writ for quashing the Tender No. 01-KiR-Commercial 01-2017, issued under the signature of respondent no. 2 as contained in Annexure-1, whereby and whereunder he has been pleased to invite open tender instead of limited one, whereas the Railway Board’s Letter No. 78(E)(Coop) 14/2 dated 8.9.1978 is as such -

a) Where there are more than one co-



operative society in the ares of operation (and not filed of operation) and the performance of the existing labour society of actual workers in the particular field of operation is not satisfactory or when actual workers have not formed a cooperative society, limited tendered have to be invited from such societies and the contract awarded to any giving preference to coop. Societies at the same station though not working at the field of work to be allotted.

(b) If the actual workers in any field of operation are organized in more than one co-operative society, the co-operative society having the majority or workers in that field of operation will be given preference and allotted the contract after negotiations.

Even in Danapur Railway Division the Tenders are invited as limited tenders and not open tenders and by ignoring the said Railway letter No. 78 (E) Coop. 14/2 dated 8.9.78 the respondent no. 2 And 3 has invited the open tenders which is not only arbitrary but against the Railway letter/circular also, and/or pass such other order or orders as your lordships may deem and proper in the facts and circumstances of the case.”

3. Perusal of the records, it is evident that there is no interim order insofar as staying the operation of the Tender No., 01-KiR- Commercial 01-2017. In the absence of any interim order, the petitioner is not entitled to relief sought in the present writ petition for the reasons that subject matter of tender is stated to have spent its force.



4. Accordingly, the present writ petition stands disposed of as it has become infructuous.

(P. B. Bajanthri, J)

(A. Abhishek Reddy , J)

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