



WEB COPY



W.P.No.28244 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28244 of 2018

And

W.M.P.No.32930 of 2018

A.Sandou Rajan

... Petitioner

Vs.

1.General Officer Commanding,
Dhaksin Bharat Area, Head Quarters,
Island Grounds,
Chennai – 600 009.

2.Deputy Director,
Canteen Services,
Integrated Head Quarters,
Ministry of Defence (Army),
West Block III, R.K.Puram,
New Delhi – 110 066.

3.General Officer Commanding – in – Chief,
Southran Command, Pune,
State of Maharashtra.

4.Union of India,
Represented by Secretary to Government,
Ministry of Defence,
New Delhi.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue



W.P.No.28244 of 2018

a Writ of Mandamus directing the respondents to reopen the canteen especially meant for Ex-servicemen which was functioning at No.50, Bramin Street, Muthaliyarpeth, Puducherry – 605 004.

For Petitioner : Mr.P.Mallikarjun
for M/s.C.Prasanna Venkatesh

For Respondents : Mr.R.Sankaranarayanan
Additional Solicitor General of India
Assisted By
Mr.P.R.Ramesh Babu
Senior Panel Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of

Writ of Mandamus directing the respondents to reopen the canteen especially meant for Ex-servicemen which was functioning at No.50, Bramin Street, Muthaliyarpeth, Puducherry.

2.The case of the petitioner is that the petitioner served as Nayak in the Army from 03.01.1985 to 30.04.2001 and is a member of Indian Ex-services League (UT – Pondicherry) and also the General Secretary of the Pondicherry Armed Forces Veterans Welfare Association. There are around 2300 Ex-servicemen and widows of



W.P.No.28244 of 2018

veterans in Pondicherry and they are entitled to canteen benefits.

Since there was only one canteen run by the NCC Commander for their use and Ex-servicemen and widows were not given due respect, they made representations for opening another canteen and Golden Palm Canteen was opened to cater the needs of the Ex-servicemen, however, the canteen was closed with effect from 30.09.2018. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that there are around 2300 Ex-servicemen and widows of veterans in Pondicherry out of which 1225 members were transferred to the Golden Palm Canteen from the NCC canteen. Hence, this Court may issue direction to the respondents to reopen the canteen especially meant for Ex-servicemen and widows of veterans.

4.The learned Additional Solicitor General of India appearing for the respondents submitted that it is true that Golden Palm Canteen was opened during the year 2016 especially for Ex-servicemen and widows of veterans, however, when it was in operation the revenue



W.P.No.28244 of 2018

expenditure was twice the amount of its profit generated and was always in the negative despite several cost cutting measures which led

to the depletion of capital required for purchase of stores and hence the decision was taken to close the Golden Palm Canteen. He further submitted that only 51 Ex-servicemen had registered themselves for dependency on Golden Palm Canteen and further submitted that the petitioner himself had registered his dependency in the canteen run by the NCC Commander and transferred his dependency to Golden Palm Canteen only when the decision was taken to close Golden Palm Canteen.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. The facts in the present case is not in dispute. As per the representation made by the Ex-servicemen, Golden Palm Canteen was opened apart from the existing canteen run by the NCC Commander. The canteen was in operation from December, 2016 to September, 2018 and during the said period, the revenue expenditure



W.P.No.28244 of 2018

was twice the amount of its profit generated and was always in the negative despite several cost cutting measures which led to the depletion of capital required for purchase of stores and hence the decision was

taken to close the Golden Palm Canteen and only 51 Ex-servicemen had registered themselves for dependency on Golden Palm Canteen.

7.For 51 persons it is not possible to run the canteen by the defence personnel from the money of the general public. The petitioner is not denied from purchasing the goods from the canteen run by the NCC Commander and he is entitled to register his dependency in the canteen run by the NCC Commander.

8.In view of the above, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.03.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

5/6



WEB COPY



W.P.No.28244 of 2018

M.DHANDAPANI,J.
pri

To

- 1.General Officer Commanding,
Dhaksin Bharat Area, Head Quarters,
Island Grounds,
Chennai – 600 009.
- 2.Deputy Director,
Canteen Services,
Integrated Head Quarters,
Ministry of Defence (Army),
West Block III, R.K.Puram,
New Delhi – 110 066.
- 3.General Officer Commanding – in – Chief,
Southran Command, Pune,
State of Maharastra.
- 4.Union of India,
Represented by Secretary to Government,
Ministry of Defence,
New Delhi.

W.P.No.28244 of 2018
And
W.M.P.No.32930 of 2018



WEB COPY



W.P.No.28244 of 2018

14.03.2023