

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17223 of 2022

1. Sanjeev Kumar Singh son of Late Kameshwar Singh resident of village Barua, P.S. Dighwara, Dist. Saran at Chapra.
2. Santosh Kumar son of Ramashish Prasad resident of village New Bangali Tola, P.S. Jakkanpur, Dist. Patna.
3. Nitu Sinha wife of Rajesh Mohan resident of Road No. 7, Ashok Nagar, Kankarbagh, P.S. Kankarbag, Dist. Patna.
4. Tej Bahadur Singh son of Paras Nath Singh resident of Bahadurpur Housing Colony, P.S. Agamkuan, Dist. Patna.
5. Sadeek Ali Son of Musahib Ali resident of Indra Nagar, Ward No. 02, Bhatni, P.S. Bhatni, Dist. Deoria, U.P.
6. Hira Prakash Bhanarkar @ Hira P. Bhanarkar wife of Prakash Bhanarkar resident of Vinoba Bhave Nagar, Gali No. 30, Dr. Ambedkar Marg, Nagpur, P.S. Yashodhara Nagar, Dist. Nagpur, Maharashtra.
7. Najnin Khatun wife of Asharaf Ali resident of Indra Nagar Ward No. 02, Bhatni, P.S. Bhatni, Dist. Deoria, U.P.
8. Shabana Khatub wife of Sadeek Ali resident of Indra Nagar Ward No. 02, Bhatni, P.S. Bhatni, Dist. Deoria, U.P.
9. Basuki Nath son of Mithai Lal resident of Village Karbigahiya, P.S. Jakkanpur, Dist. Patna.
10. Arti Devi Wife of Virendra Kumar resident of Ranipur, Mahmoorganj, Chhitupur, P.S. Mahmoorganj, Dist. Varanasi.
11. Swami Vivekanand Singh Son of Late Keshav Singh resident of Flat No. 108, Jagdevan Plaza, Kankarbag, P.S. Patrakar Nagar, Dist. Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman and CEO, Railway Board.
2. The Director, Tourism and Catering, Railway Board, New Delhi.
3. Director, Passenger Marketing, Railway Board, New Delhi.
4. General Manager, East Central Railway, Hajipur.
5. The Principle Chief Commercial Manager, East Central Railway, Hajipur.
6. Senior Division Commercial Manager, Danapur.
7. Senior Division Commercial Manager, Sonpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Respondent/s : Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY



ORAL ORDER

4 27-06-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the following reliefs:-

“i. For quashing of the letter issued vide letter No. ECR/CRM/CTG/CA-III/&/1 dated 03-08-2022 by the Office of Principal Chief Commercial Manager, Hajipur, East Central Railway under the signature of Dy Chief Commercial Manager/Catering (contained in annexure 5), by which, with respect to recommendation for fixation of the pro rata license fees/reduced license fees of the license holder Company/Partnership/Incorporated licensees, inter-alia engaged in the business of catering services for providing food and beverage services to the passengers in the train, running stalls at Railway platforms, as per volume of the passengers for catering, it has been held that there does not seem any need for giving further relaxation in license fees as the Deen Dayal Upadhyay (DDU) Division of the Hajipur zone of the East Central Railway has intimated that it has reduced the license fees on pro rata basis upto 31-10-2021 and relief has been granted to all static units/licensees for the period related to COVID-19 and the Division has restored all train services which were closed during COVID-19 period and the trains are running with maximum occupancy.

ii. For quashing of the letter No. COM/CATERING/LICENSE FEES/2022 dated 01-09-2022 issued by Senior Divisional Commercial Manager, Danapur Division, East Central Railway (contained in annexure 6) by which the petitioners and others, who being the license holders are engaged in the business of catering services for providing food and beverage services to the passengers in the train, running stalls at Railway platforms, have been ordered to pay the license fees at the rate as fixed before the period of Covid-19, with effect from 01-11-2021 as earliest, failing



which the railway administration would be bound to take action in accordance with para 4.3 of the Master License Agreement.

iii. For directing the respondent authorities to allow the petitioners for making payment of reduced license fees on pro rata basis, against their respective license of catering services, for upto the period when passenger train services restores to its normalcy and running of the trains with normal occupancy and the volume of passenger traffic comes to its restoration/normalcy at par with pre-Covid-19 period over the Danapur Division of East Central Railway having its zonal office at Hajipur or for upto the period of issuance of a fresh notification with respect to relaxation in license fees on account of the Covid-19 period, coming to its end by making change/modification to the Master License Agreement mutually signed by the parties.

iv. Also for any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of the case.”

3. Without going into the merits or demerits of the case, this Court is of the opinion that the ends of justice would be met if the present CWJC is disposed of granting liberty to the petitioners to give a suitable representation ventilating their grievances before the concerned authority i.e., respondent No. 6 or any other authority and direct the said authority to consider the representation duly taking into consideration the documents submitted by the petitioners.

4. Learned counsel appearing on behalf of the respondent-Railway has stated that he has no objection if any a direction is given to the authority to consider the representation made by the petitioners strictly in accordance with law.



5. Having regard to the same, the present writ petition is disposed of granting liberty to the petitioners to submit a representation to the concerned authority ventilating their grievances along with necessary documents within a period of four weeks from the date of receipt of a copy of this order. On such representation being given, the concerned authority shall consider the same and pass a reasoned order duly giving an opportunity of hearing to the petitioners within a period of eight weeks thereof. The authority shall also take into account that the other divisions have granted concession for the subsequent year duly taking into account the COVID-19 Pandemic period.

6. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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