

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.208 of 2024

Niharika Catering Service and House Keeping through its Proprietor Anil Kumar Jha, Aged about 49 years, (MALE), S/o Late Surendra Jha, Resident of Dighi Kala Police Line, Pani Tanki, Dighi Kala Police Line, Dighi Kalan, Vaishali, Bihar, 844102.

... .. Petitioner/s

Versus

1. The Union of India
2. The Assistant Commercial Manager, For Divisional Railway Manager, Commercial Department, Samastipur.
3. The Deputy Chief Commercial Manager, East Central Railway, Hajipur.
4. The Senior Divisional Finance Manager, East Central Railway, Samastipur.
5. The Divisional Railway Manager, Commercial Department, East Central Railway, Sonpur, Mugalsarai, Danapur and Dhanbad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the UOI	:	Mr. Bindhyachal Rai, Sr. Panel Counsel
		Mr. Amish Kumar, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-09-2024

The petitioner is only concerned with Annexure-P/1 order which debarred him for five years. The order at Annexure-P/1 is dated 23.03.2021 and the show cause notice was dated 25.09.2019 which is produced by the



respondent as Annexure-R/3. It is also submitted by learned Counsel for the petitioner that the petitioner had bid for a stall at Bettiah Station in Platform No. 2 which platform unfortunately had only goods trains halting at the Station.

2. In the above circumstance, the petitioner submitted Annexure-P/4 representation seeking for shifting of the stall. Annexure-P/4 was received on 18.01.2021 but however no such shifting was granted to the petitioner. It is also submitted by learned Counsel for the petitioner that by Annexure-P/5 a request to shift the milk stall was granted to another, while in the petitioner's case it was not granted.

3. Admittedly, the petitioner bid for a stall in Platform No. 2 of the Bettiah Station which was allotted to him. The petitioner also did not proffer the LOA and follow up with the requirements, on the tender being successful, which led to the show cause notice being issued.

4. The petitioner should have made sufficient inquiries before bidding for the stall at the specific location which was indicated in the notice inviting tender. The petitioner cannot later take a plea that it was by mistake that he bid for the stall in a platform where only goods trains



halt.

5. Annexure-P/5 is with respect to shifting, on totally different grounds. There the successful bidder had started the stall, but, however, contended that there is a food plaza on one side and a WVM on the other side which disrupted the sale of milk in the stall allotted. It was hence the allotted stall was shifted to another location by the Railways.

6. Petitioner cannot claim any equal status as the bidder in Annexure-P/5 since admittedly the petitioner did not follow up with the conditions and commence the stall in the second platform of Bettiah station. We also see from Annexure-P/7 that yet another bidder had been allotted a stall in Platform No. 2 of Bettiah station which though debarred initially, was later commenced.

7. In the above circumstance, we see absolutely no reason to interfere with the order of debarment. However we notice that the debarment order has been issued after two years from the date of show cause notice. In such circumstances, the debarment of five years would only apply for five years from 25.10.2019 i.e. one month after



the date of show cause notice.

8. The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2024
Transmission Date	NA

