



WEB COPY



W.P.No.23821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23821 of 2022
and W.M.P.Nos.22805 and 22806 of 2022
and W.M.P.No.5248 of 2024

Indian Railways Mobile Caterers
Association (IRMCA)
Rep. by its President
S.B. Agarwal
Having its Administrative off.
At 4 & 5, Arunachalam Lane,
Periamet, Chennai-3.

... Petitioner

VS.

1.Union of India
Ministry of Railways,
Railway Board,
Through its Secretary
Rail Bhawan
New Delhi-110001.

2.Indian Railways Catering and Tourism
Corporation Limited (IRCTC)
Through its Chairman-Cum-Managing Director,
B-148, 11th Floor,
Statesman House,
Barakhamba Road,
New Delhi-110001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in



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connection with the Impugned Notification Nos.2017/IRCTC/Catg./DCS/Optional Services dated 14.10.2019 and 16.10.2019 issued by the Respondent No.2 and quash the same and consequentially direct the Respondents to suspend the provision of Optional Catering Services / Opt-out scheme to passengers of the trains wherein the members of Petitioner Association are providing catering services and consequently direct the Respondents to include the catering charges in the ticket fare of such passengers during the pendency of the license.

For Petitioner : Mr.Sathish Parasaran
Senior Counsel
for M/s.T.N.C.Kaushik

For R1 : Mr.K.Srinivasa Murthy
Central Government Standing Counsel

For R2 : Mr.AR.L.Sundaresan
Additional Solicitor General-I

ORDER

The Senior Counsel appearing for the petitioner seeks leave of the Court to withdraw the writ petition with liberty to invoke arbitration clause and the counsel on record has also made an endorsement in the court bundle to that effect.

2. The learned Additional Solicitor General-I appearing for the 2nd respondent submitted that only the Members of the Petitioner's Association



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can invoke arbitration clause and the Petitioner's Association is not entitled to invoke the same.

3. Recording the endorsement made by the counsel on record for the petitioner, the Writ Petition is dismissed as withdrawn with liberty to the Members of the Petitioner's Association to invoke arbitration clause. The question of limitation will be decided by the Arbitrator. No costs. Consequently, the connected writ miscellaneous petitions are closed.

28.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. Secretary,
Union of India, Ministry of Railways,
Railway Board, Rail Bhawan
New Delhi-110001.
2. Chairman-Cum-Managing Director
Indian Railways Catering and Tourism
Corporation Limited (IRCTC)
B-148, 11th Floor, Statesman House,
Barakhamba Road, New Delhi-110001.

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S.SOUNTHAR, J.

dm

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