



WEB COPY



WP.No.32152 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.32152 of 2023
and W.M.P.Nos.31741 & 31743 of 2023

M.Muthukumaran

.. Petitioner

Versus

Assistant Commercial Manager/I/MAS/
Senior Divisional Commercial Manager/MAS
Southern Railway
Divisional Railway Manager's Office
Commercial Branch
Chennai – 600 003

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the respondent dated 04.10.2023 in M/c.79/Catg/SMU-29/MAS, quash the same and consequently direct the respondent to forthwith renew the contract of the catering stall SMU 29 at Old Concourse (Between S/4 & IRCTC Tourism Facilitation Centre) earmarked to Scheduled Caste at Chennai Central Railway Station for a period of 3 years from December 2023.

For Petitioner : Mrs.AL.Ganthimathi, Senior Counsel
for Mr.L.Palani Muthu
For Respondents : Mr.A.Kumaraguru

ORDER

This writ petition is filed challenging the order of the respondent dated 04.10.2023 in M/c.79/Catg/SMU-29/MAS, quash the same and consequently direct the respondent to forthwith renew the contract of the catering stall SMU



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29 at Old Concourse (Between S/4 & IRCTC Tourism Facilitation Centre)

earmarked to Scheduled Caste at Chennai Central Railway Station for a period of 3 years from December 2023.

2. It is the case of the writ petitioner that the petitioner was running catering stall with the respondent Railways having license to run the catering stall SMU 29 at Old Concourse (Between S/4 & IRCTC Tourism Facilitation Centre) earmarked to Scheduled Caste at Chennai Central Railway Station from 05.02.2015 to 04.02.2020. While so, minor fines were imposed and fines were also paid and the license got expired on 04.02.2020 and it was subsequently renewed for a further period of three years from 05.02.2020 to 04.02.2023. Since, the license is expired, the petitioner sought for further renewal of license and the same was rejected vide the impugned order. Challenging the same, this petition.

3. The learned Senior Counsel for the petitioner submitted that though warnings were issued to the petitioner without providing any opportunity to run the catering stall in smooth manner, payment of penalty cannot be put against the petitioner and the rejection order cannot be sustained in the eye of law. Hence, seeks for appropriate orders.



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4. The learned counsel for the respondent submitted that as per para 17 of the Catering Policy, 2010, licensee must apply for renewal minimum six months in advance of expiry of contract, however, the petitioner has submitted a letter on 20.06.2023. Further, since, the petitioner's performance is not satisfactory, in term of para 17.1, the petitioner's request was rejected. During the license period, various fine amounts were imposed as against the petitioner. Hence, renewal was rejected and seeks for dismissal of the writ petition.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the petitioner was granted with a license for running catering stall SMU 29 at Old Concourse (Between S/4 & IRCTC Tourism Facilitation Centre) earmarked to Scheduled Caste at Chennai Central Railway Station from 05.02.2015 to 04.02.2020. It is not disputed that the license got expired on 04.02.2020 and it was subsequently renewed for a further period of three years from 05.02.2020 to 04.02.2023. Of course, the renewal is not automatic and the same is subject to the conditions imposed as per catering policy. On perusal of para 17.1 of Catering Policy, 2010, it would show that the an imposition of warnings/fine on more than 5 occasions will result in rejection of the application for renewal. Admittedly, more than 5 warnings were



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issued during the renewal period from 05.02.2020 to 04.10.2023 and the petitioner has also not objected or challenged such fines/warnings. Hence, this Court is of the view that such rejection order passed by the respondent as per para 17.1 of Catering Policy, 2010 holds good and cannot be interfered and the prayer sought for by the writ petitioner cannot be granted.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, liberty is granted to the petitioner to make a fresh application for renewal to the respondent and on such application, the respondent shall pass appropriate orders on merits and in accordance with law.

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dhk
Index: Yes/No



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M.DHANDAPANI, J.



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