

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4891 OF 2025

Rumana Suresh Shah

...Petitioner

Vs.

Union of India & Anr.

...Respondents

Mr. Induprakash Tripathi i/b. Mr. C. K. Tripathi for the Petitioner.

Mr. T. J. Pandian with Prajakta Joshi, Noorjahan Khan, Gautam Modanwal, D. P. Singh, for Respondents.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 07 MAY 2025.

P.C.

1. This petition under Article 226 of the Constitution of India is filed challenging the order dated 24 February 2025 by which the petitioner's contract to run a catering stall at Thane Railway Station, stands cancelled. It appears that prior show cause notice was issued to the petitioner, however, the notice was bereft of any materials being furnished to the petitioner which would show that there was misuse of the stall and/or on materials that indicated that the stall was sublet. It is submitted by the railways that there were documents submitted by a third party in regard to the stall which, according to the railways, amount to the breach of the original terms and conditions of the contract.

2. The petitioner is a widow of 67 years old, she is a senior citizen. Her case is that she had appointed one Mr. Manoj Agrawal, to manage and run the stall, for which also a power of attorney was issued in his favour. It is her case that however, such power of attorney was not for sub-letting of the stall. In our opinion,

whatever material the railways has against petitioner, copies of the same should have been furnished to the petitioner alongwith the show cause notice. This was the basic requirement of the principles of natural justice. The petitioner has not been granted a fair opportunity, to defend the show cause notice, by non-supply of such materials adverse to the petitioner. For these reasons, the impugned action would be required to be held to be in breach of principles of natural justice and a nullity.

3. In the aforesaid circumstances, the impugned communication dated 24 February 2025 is set aside. The respondent / Railways shall issue a fresh show cause notice to the petitioner within 15 days from today with all supporting materials. The show cause notice be replied within 15 days from receipt of the notice. The petitioner be granted an opportunity of a personal hearing and thereafter an order in accordance with law be passed by the respondent-authority on the show cause notice. All contentions of the parties on such proceedings are expressly kept open.

4. The petition is disposed of in the above terms. No costs.

5. Needless to observe that as the impugned order has been set aside, status quo ante would be required to be maintained.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)