



2025:AHC:173271-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 29414 of 2025

Purvottar Railway Pensioners Association
Gorakhpur

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anubhav Singh
Counsel for Respondent(s)	:	A.S.G.I., Vivek Kumar Singh

Court No. - 21

**HON'BLE MANOJ KUMAR GUPTA, J.
HON'BLE ARUN KUMAR, J.**

1. The present writ petition is directed against the order dated 27.06.2022 passed by respondent no. 2 by which the previous order dated 28.04.2022 issued by him allotting a Railway accommodation in favour of the petitioner - Association has been cancelled. The office order issued from the office of respondent no. 2 notifying that the same accommodation has been allotted to a recognized Trade Union, namely, North Eastern Railway Mens Congress with the prior approval of the Competent Authority is also under challenge.

2. The petitioner claims to be an Association of pensioners of the Railway Department. The original allotment in favour of the petitioner - Association is dated 28.04.2022.

3. Concededly, shortly after the allotment order was passed, the allotment was cancelled on 27.06.2022.

4. Learned counsel for the petitioner submits that the reason cited for cancellation of the allotment namely, absence of permission from the Railway Board is not sustainable in law, as the power of allotment of Spare Railway Building under paragraph-1963 of the Indian Railway Engineering Code has been delegated to the Zonal Railways. In support of the submission, he places reliance on the Action Taken Report pursuant to 21st meeting of the Standing Committee of Voluntary Agencies

(SCOVA).

5. Sri V.K. Singh, learned Panel Counsel appearing for the respondents, submits that the petitioner - Association has not challenged the order dated 27.06.2022 and it has become final. He further submits that there was no prior approval of the Board for allotment of any space to the petitioner - Association and therefore, paragraph - 1963 of the Railway Engineering Code would not apply. He further submits that the petitioner - Association since the date of cancellation of allotment i.e. 27.06.2022 is not in possession of the accommodation.

6. It is not disputed before us that the allotment to the petitioner - Association was made vide order dated 28.04.2022. There was no prior approval of the Board for allotment of any space in favour of the petitioner - Association.

7. Paragraph-1963 of the Indian Railway Engineering Code contemplates allotment of Spare Railway Building in favour of the Staff Welfare Organization after obtaining Board's prior approval. Paragraph-1963 of the Indian Railway Engineering Code is as follows:

"1963. Building to house Staff Welfare Organisation.--Spare Railway building may be allotted after obtaining Board's prior approval to Staff Welfare Organisations like Handicraft Centres, Homeopathic dispensaries, Vocational Training Centres, Social Welfare Centres, Staff Canteens, Bharat Scout and Guides Associations, privately managed schools in the Railway colonies, Temple Committees etc. A nominal fee is recovered in such cases except that of Bharat Scouts and Guides Associations at a uniform rate of Rs.1,000/- per annum. In case of buildings licensed to Bharat Scouts and Guides Associations, a nominal fee of Rs.20/- per annum will be recovered."

8. Clause 6.13 (ii), on which reliance has been placed, is as follows:

"6.13(ii)

Provision exists in para 1963 of Indian Railway Engg. Code for

allotment of spare building to House Welfare Organizations at a nominal fee. Zonal Railways can be approached accordingly in the matter."

9. The above is extract of action taken report submitted in pursuance of the decision of SCOVA. It only indicates that for getting any spare railway accommodation allotted, for which provision exists in paragraph-1963 of the Indian Railway Engineering Code, Zonal Railways can be approached. The said clause would not mean that the provision relating to prior approval of the Railway Board under paragraph-1963 was relaxed or the said power was delegated to respondent no. 2.

10. Moreover, paragraph - 1963 of the Railway Engineering Code, on which reliance has been placed, does not confer any right in favour of any organization to claim allotment. The allotment needs prior approval from the Board, which in the instant case is lacking. The allotment was cancelled within two months from the date of allotment. The petitioner - Association has not challenged the said order and in the meantime the accommodation has been allotted to a registered Trade Union. Though the said order is also under challenge, but registered Trade Union, in whose favour the allotment has been made, is not a party to the present proceedings.

11. In view of the foregoing reasons, we find no ground to interfere with the impugned order. The writ petition is **dismissed**. However, it shall be open to the petitioner - Association to make application for allotment of some alternative space and in case, any such application is filed, the respondents would consider the same, in accordance with law.

(Arun Kumar,J.) (Manoj Kumar Gupta,J.)

September 25, 2025

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