D/L 20
07.10.2026
Ct No. 2
Mujahid

WPA 29473 of 2026

Pankaj Kumar Ray
Vs.
Union of India & Ors.

(Via Video Conference)

Mr. Saptarshi Roy
Ms. Kakai Das Chakraborty
…for the petitioner

Mr. Sanjit Ghosh
Mr. Tirthapati Acharyya
…for the UOI

1. Affidavit of service filed. Let it be taken record.

2. Present petition is a clear example of the petitioner invoking the jurisdiction of the court without any cause of action. Such petitions are liable to be dismissed with heavy costs so that the jurisdiction of the court is not invoked without any basis.

3. Learned counsel for the petitioner submits that he was awarded contract vide communication dated 21st January, 2025 regarding leasing of 3.9 tonne parcel space in first compartment/front SLR of Train No. 12245, Howrah SMVB Duronto Expression. Learned counsel submits that in the contract agreement, it was specifically mentioned that the contract is governed as per existing Railway

Board Circular as well as the amendment from time to time. Learned counsel further submits that at the time of the award of the contract as per Rule 14.3 of Freight Marketing Circular Rule 12/2022. The contract was liable to be terminated if the overloading is detected on more than two occasions in any one contract. Learned counsel submits that this provision was modified vide circular dated 24th March, 2026 as per modified provisions, the contract can be terminated only if the overloading is detected on more than four occasions.

4. Learned counsel admits that no notice/show-cause has been served upon the petitioner for termination of contract. Learned counsel submits that petitioner apprehends that the Railway Board may terminate the contract on the basis of unmodified provision as contained in para 14.3. Learned counsel therefore submits that the petitioner may be granted some protection.

5. Learned counsel for the Railway has opposed the writ petition on the ground that there is a remedy of appeal available with the petition.

6. The court is surprised to see that the petitioner has filed this petition without any cause of action. There is no notice/show-cause served upon the petitioner. The petitioner has invoked the jurisdiction of this court merely upon the

apprehension that the Railway may not adhere to the amended provision as contained in para 14.3 of the communication dated 24th March, 2026. This is a writ petition on the face of it is not maintainable having been filed without any cause of action. The court is restraining itself to impose any cost upon the petitioner, however cautions the petitioner not to file such litigations which are without any basis.

7. Accordingly, the petition is dismissed.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)