

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.6135 OF 2002

DATED:31-08-2005

BETWEEN:

P.Chalapathi Rao S/o. late P.Ramaiah

R/o. Railpet, Ongole Post

Prakasam district PETITIONER

AND

Union of India, rep by its Secretary,

Railway Board,

New Delhi & others RESPONDENTS

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ORDER:

The present writ petition was filed questioning the action of the respondents in not allotting the contract of vegetarian refreshment room, at Tenali railway station to the petitioner.

The petitioner claims to be experienced catering contractor and running about ten

stalls at Chirala Railway Station. The respondent/South Central Railway issued a notification dated 30-4-1992 from the experienced and professional caterers for running Vegetarian Refreshment Room at Tenali Railway Station for a period of five years from June, 1992 or from the date of awarding the contract. The petitioner stated to have applied for the same by paying Security Deposit of Rs.1,250/-. Questioning the said notification, the South Central Railway Mazdoor Union filed a writ petition before this Court being W.P.No. 6421 of 1992 and obtained interim stay of all further proceedings vide order dated

20-05-1992 in W.P.M.P.No. 8040 of 1992. It is also stated that the said Writ Petition was dismissed by this Court by order dated 21-2-2002. It is further stated that except the petitioner herein all other participants had withdrawn the security deposit amount and is eligible for allotment of the refreshment stall. Alleging that the respondent authorities having accepted the security deposit are not taking further steps in allotment of the Vegetarian Stall, the present writ petition is filed.

A counter affidavit was filed by the third respondent herein stating that a Committee of Officers of the department has scrutinized the applications received in terms of the notification dated 30-4-1992 and recorded that the applicant/petitioner herein did not produce any documentary evidence showing his reputation and catering experience and financial worthiness. It is further stated that in terms of interim orders passed by this Court in W.P.M.P.No. 8040 of 1992 in W.P.No.6421 of 1992 the finalisation process was stalled. That the said Writ Petition was dismissed by order dated 21-02-2002 and by that time lot of changes took place in allotment of stalls and that in the year 2000, the Ministry of Railways has announced a policy called "Catering Policy 2000". It is also stated that finally a proposal was made to hand over all catering services to newly formed Indian Railway Catering and Tourism Corporation and at this belated stage it is not possible for the administration to consider the six applications filed for allotment of Vegetarian stall at Tenali. It is also stated that on a representation made by the petitioner in the year 2001, the decision was reviewed and the Headquarter was informed that there is no feasibility to allot the subject stall to the petitioner and the request of the petitioner for refund of the Earnest Money Deposit will be considered.

Having regard to the averment made in the counter affidavit that a policy decision was taken to hand over all catering services to newly formed Indian Railway Catering and Tourism Corporation and it is not feasible to allot the subject stall to the

petitioner, it is not proper for this Court to give a direction contrary to the policy decision taken by the expert body in the interest and welfare of the larger public. However, as regard the request of the petitioner for refund of the Earnest Money Deposit is concerned, the respondents are directed to examine the matter and if the earnest money deposited by the petitioner is still lying with the respondents, they are directed to take necessary steps forthwith for refund of the same.

Accordingly, the writ petition is disposed of. No costs.

N.V.RAMANA,J

31-08-2005

TVK

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