

(2005) 07 JH CK 0051

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4463 of 2003

Bipin Kumar Tiwary

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 21-07-2005

Acts Referred:

Citation : (2005) 4 JCR 464

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A. Sen, for the Appellant; P. Modi, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—In this case petitioner challenged the Tender Inviting Notice (hereinafter to be referred as "N.I.T.") No. Commrt/80/STD Booths/Tender/02 issued by the D.R.M, S.E. Railway, Chakradharpur, published in the newspaper "Hindustan" on 30th July, 2003 whereby quotation was called for setting up/installation of PCO, STD, ISD, FAX, Internet Booths at different platforms of Tatanagar Railway Station.

2. According to petitioner, he is physically disabled person more than 75% so the was allowed to operate one of the STD, ISD, PCO, FAX, Internet Booth at platform No. 1, at Tatanagar Railway Station. It was allotted vide letter dated 29th June, 1998 after publication of N.I.T. in the newspaper "Hindustan." He is stated to be paying licence fee since 29th June, 1998. Terms of licence having been expired on 28th January, 2001, he prayed for extension of the same, but it having not been extended and on the other hand, fresh N.I.T. having been issued, he preferred this writ petition.

3. This Court initially passed an interim order in favour of the petitioner, but later on it modified the same by order dated on 13th May, 2005 and the respondents were allowed to settle STD, ISD, PCO FAX, Internet Booths, in question in accordance with the guidelines. When the case was taken up, this Court was informed that none of the booth has been resettled by the respondents. On the

other hand, in pursuance of a recent guidelines issued by the Railway Board dated 11th March, 2005, the licence of petitioner has been extended.

Learned counsel for the petitioner relied upon the guidelines dated 11th March, 2005 issued by the Railway Board, which reads as under :

"It has been decided that physically handicapped persons who are presently running STD/ISD/PCO Booths on railway stations and whose contracts are expiring now or later and which are not due for extension as per contract may be allowed to continue and their contract may be extended after expiry upto 27.4.2007 provided their working is satisfactory.

Kindly acknowledge receipt of this letter."

4. Learned counsel for the Railways while accepted that no PCO, STD, ISO, FAX, Internet Booth has been settled in pursuance of the N.I.T. dated 30th July, 2003, submitted that there was an interim order passed by this Court.

5. Having regard to the facts and circumstances and taking into consideration the fact that the N.I.T., in question, relates to the settlement of a number of PCO, STD, ISD, FAX, Internet Booths, this Court is not inclined to interfere with the same. However, taking into consideration the guidelines issued by the Railway Board dated 11th March, 2005, the petitioner is given liberty to bring the same to the notice of the authority for renewal of licence for the subsequent period and in such case, the authority will decide the case, in accordance with law. The writ petition stands disposed of.