
(2012) 12 DEL CK 0007
In the Delhi High Court
Case No : LPA No. 798 of 2012

Niranjan Lal and Others

APPELLANT

Vs

UOI and Others

RESPONDENT

Date of Decision : 18-12-2012

Acts Referred:

Constitution of India, 1950 — Article 12

Citation : (2012) 12 DEL CK 0007

Hon'ble Judges : D. Murugesan, C.J.;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : V. Shekhar with Mr. Abhigya and Mr. Piyush Jain, for the Appellant;
Joydeep Mazumdar, Goumya Dutta and Mr. Rohit Dutta, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—These intra-court appeals impugn the judgment dated 5th November, 2012 and order dated 6th November, 2012 of the learned Single Judge in W.P.(C) No. 1398/2010 and W.P.(C) No. 5153/2012 respectively preferred by the appellants. The detailed reasoning is in the judgment dated 5th November, 2012 and which is merely followed while disposing of W.P.(C) No. 5153/2012. However, judgment dated 5th November, 2012 is a common judgment in several other petitions also. The learned Single Judge has granted relief to some of the petitioners but as far as the appellants herein are concerned, their writ petitions have been dismissed. The appellants are the Commission Vendors of the respondent Railways. They seek their regularization as Commission Vendors for their life time and/or till they become infirm and further claim that upon their infirmity or death their heirs should be allowed to continue as Commission Vendors for their life time.

2. The senior counsel for the appellants admits that the relationship of the appellants as Commission Vendors with the Railways is contractual and that Commission Vendor is not a post in the establishment of the respondent Railways. He further admits that though a scheme was formulated by the

respondent Railways under the directions of the Supreme Court for absorption of certain Commission Vendors as employees of the respondent Railways but contends that the appellants being over 60 years of age of superannuation are not so eligible for absorption as an employee of the respondent Railways. The counsel for the respondent Railways appearing on advance notice informs (and which is not controverted by the appellants) that the appellants when they were below 60 years of age were offered absorption as an employee under the scheme of the respondent Railways but refused.

3. We have enquired from the senior counsel for the appellants as to what is the right of the appellants to the relief claimed. None is shown. The only argument is that the appellants have been Commission Vendors i.e. holders of stalls/kiosks at Railway stations etc. for long and have been earning livelihood therefrom and their families are dependent on their such business and they should be allowed to continue in perpetuity. The Courts can intervene and grant relief by enforcing the law and cannot take administrative/policy decisions relating to the functioning or operations of any of the businesses even if "State" within the meaning of Article 12 of the Constitution of India. In the absence of the appellants being able to show any entitlement or right in their favour for the reliefs claimed, their writ petitions have been rightly dismissed by the learned Single Judge.

There is no merit in the appeals and the same are dismissed. However, no costs.