

(2026) 08 PAT CK 2534

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.1993 of 2018

Subash Chand Gupta & Anr.

APPELLANT

Vs

The Union Of India & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : (2026) 08 PAT CK 2534

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : Mr. Rajesh Kumar Singh, Mr. Anil Kumar Sinha

Final Decision : Disposed Of

Judgement

Date : 03-08-2026

1. The present Writ petition has been filed by the petitioner, Ram Sakhi Devi, challenging the order dated 05.07.2017 passed by the Chief Commercial Manager, East Central Railway.

2. It appears that, pursuant to the order passed by this Court in CWJC No. 17674 of 2013 dated 07.02.2017, the petitioner was directed to file a fresh application before the Chief Commercial Manager of the concerned Zonal Railways/Managing Director, IRCTC. Upon receipt of such representation, the respondent-Railways were directed to consider the case of the petitioner and, if found tenable and in accordance with the policy of the Railways, pass an appropriate order within three months from the date of such representation.

3. Pursuant to the orders of this Court, the petitioner submitted a representation which was rejected by the Chief Commercial Manager vide order dated 05.07.2017, holding that the request of the petitioner was not tenable. Being aggrieved by the same, the present Writ petition has been filed for quashing the order dated 05.07.2017 of the Chief Commercial Manager, Railways.

4. Heard the Learned counsel for the petitioner as well as the Learned counsel for

the respondents.

5. During the course of arguments, the Learned counsel for the respondent-Railways submitted that the petitioner died on 12.01.2018. Subsequently, the legal heirs of the petitioner namely, Subash Chand Gupta and Naresh Gupta were brought on record.

6. It is the specific contention of the Learned counsel for the respondents that the Writ petition is not maintainable, as the initial application of the deceased-petitioner has already been rejected and the legal heirs cannot step into the shoes of Ram Sakhi Devi, as the conditions differ from person to person.

7. On the other hand, the Learned counsel for the petitioner submitted that, considering Clause 25 of the Railway policy, the legal heirs of Ram Sakhi Devi are also entitled for transfer of the contract.

8. Considering the rival submissions of the parties and upon perusal of the record, it is evident that there is no contract between the Railway Department and the legal heirs of Ram Sakhi Devi. Therefore, this Court directs the present petitioners i.e. the legal heirs of the Ram Sakhi Devi to make a fresh application before the competent authority for transfer of contract raising all grounds within one month from the date of receipt of a copy of this order, in turn, the respondent-Railways shall pass an appropriate order within three months from the date of filing of such application.

9. With the aforesaid observations, the Writ petition stands disposed of.