

Pramendra Sah vs The General Manager on 28 June, 2022

Author: Rajan Gupta

Bench: Rajan Gupta, Shailendra Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4320 of 2020

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1. Pramendra Sah, aged about 46 years, (Male), S/o Late Balmiki Sah R/o Village- Bakhari Nagar Panchayat, P.S.- Bakhari, District- Begusarai.
2. Babalu Sah, aged about 50 years (Male) S/o Late Rameshwar Sah R/o Village Dhamaraghat, P.S.- Mansi, Dist.- Khagaria.
3. Mukesh Mahto, aged about 39 years, (Male) S/o Late Shankar Mahto P.S.- Gangour, Distt. Khagaria.
4. Murari Kumar Saha, aged about 38 years (Male) S/o Late Thakur Prasad Sa R/o Village- Murliganj, Distt.- Madhepura.

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Versus

1. The General Manager East Central Railway, Zone- Hajipur.
2. The Divisional Railway Manager East Central Railway Division, Samastipur.
3. The Divisional Commercial Manager East Central Railway Division, Samastipur.
4. The Railway Station Master Salauna Station, Samastipur.
5. The Railway Station Master Dhamaraghat Station
6. The Railway Station Master Olapur Station.
7. The Railway Station Master Murliganj Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Respondent/s : Mr.Ramadhar Shekhar (Addl. S.C. Railway)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 28-06-2022

Heard learned counsel for the parties.

The present writ petition has been filed for a direction to the respondents to transfer vending contract in the name of the petitioners at the place of their father who has died. He places reliance on the statutory provision reproduced in Patna High Court CWJC No.4320 of 2020(2)

dt.28-06-2022 paragraph no. 2. The same reads as under:

"I. According to the food safety and standards Act, 2006, Section (31), Sub-Section 10 license shall transfer to the deceased's personal representative or any member of his family it is stated as:-

(31) (10) The license shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of :-

(a) The period of three months beginning with his death; or

(b) Such longer period as the Designated Officer may allow.

II. Whether non consideration of the claim of the petitioners is justified." On a query being put to learned counsel representing the Railways whether the matter has been considered in light of the aforesaid provision, he submits that needful shall be done within three weeks from today and a speaking order shall be passed.

In view of the statement made by learned counsel for the Railways, no further adjudication is necessary.

The writ petition stands disposed off.

(Rajan Gupta, J) (Shailendra Singh, J) P. Kumar U