

(1999) 06 NCDRC CK 0014

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

STATION MASTER

APPELLANT

Vs

P.SRIDHAR

RESPONDENT

Date of Decision: June 8, 1999

Citation: 1999 3 CPJ 259 : 2000 1 CPC 60

Hon'ble Judges: S.Parvatha Rao , T.Ranga Rao J.

Final Decision: Appeal dismissed

Judgement

1. THE questions raised in this appeal are covered by our decision in General Manager, South Central Railway, Secunderabad v. M. Prem Kishore, 1998 ALD (Consumer) 98, dated 20.6.1998 against the appellants.

2. THE complainant booked two tickets for his aged parents for travel from Kakinada Town Railway Station to Singarayakonda by Circar Express (train No. 7044) on 17.12.1995. THE father of the complainant was given reservation for berth No. 28 in S-5 coach. THE mother was wait- listed under serial number 71. As per the complaint they all reached Kakinada Town Railway Station forty minutes before the arrival of the train. After the train came the parents of the complainant got into the compartment next to S-4 coach as the number of the S-5 coach was not displayed or mentioned. At Samalkot a T.C. informed them about the cancellation of S-5 coach and asked them to travel in the general compartment without adjusting them in any other reserved compartment. According to the complainant there was negligence on the part of the Railway Authorities in not informing in advance about the cancellation of S-5 coach and for not adjusting his parents in other compartment by providing reservation and for not paying the differential amount. In his complaint

O.P. No. 39/1996 before the East Godavari District Forum, he claimed the refund of the reservation fee and also compensation of Rs. 10,000/- for the deficiency in service for causing mental tension, discomfort and hardship to his parents. THE opposite parties filed their counter. THE reservation of berth No. 28 in coach number S-5 in favour of the father of the complainant is admitted. So also that the mother of the complainant was wait listed under serial number 71. It was also stated in the counter that coach number S-5 was missing when the train came from Madras earlier in the day and that consequently the train had to leave Kakinada Port to Madras without coach number S-5. It was also stated that the Railway Authorities at Kakinada Port had no prior intimation that the train would be starting from Madras without S- 5 coach and that they came to know about the absence of S-5 coach only after the train arrived from Madras. It was further stated in the counter as follows : "Immediately the Station Authorities both at the Port and Town Railway Stations mentioned this fact in the public notice board. Apart from that the Station through the public address system from about 12 noon about the non-availability of S-5 coach and that the passengers who have been given confirmed tickets in this S-5 coach will be provided alternative accommodation as far as possible and permissible in other coaches and that if any person desires to discontinue the travel, they can cancel the tickets and take back refund as per rules."

But no material had been placed before the District Forum to establish that any such public notice was put up or that the public were informed about the non-availability of S-5 coach through public address system. No affidavit of any railway official was filed to establish the same. It was further stated in the counter that the father of the complainant was allotted seat number 71 in S-8 coach and that his mother was asked to travel in the general compartment. It was admitted by the opposite parties that both of them were aged and that both of them ultimately travelled in the general compartment because the lady could not be provided any seat in S-8 coach for enabling her to travel alongwith her husband.

The District Forum considered all aspects of the matter and partly allowed the complaint by granting Rs. 2,000/- towards compensation and Rs. 500/- towards costs in addition to directing the opposite parties to refund the excess amount collected towards reservation, etc. This is sought to be questioned by the opposite parties before us who preferred the present appeal.

3. THOUGH it was sought to be contended before the District Forum that the complainant could not maintain the complaint because he did not actually travel in the train, that contention was not urged before us - it was also not raised in the

grounds of appeal before us. Our decision in *M. Prem Kishore (supra)*, clearly supports the view taken by the District Forum. We may also refer to our decision in *Divisional Railway Manager, Vijayawada, v. B.V. Raghavaiah Chowdary*, 1999 ALD (Consumer) 157. After examining carefully the material on record we find that no grounds are made out for interfering with the order of the District Forum. It has to be noted in particular that in the counter filed by the opposite parties before the District Forum it was admitted that the train was formed from the coaches which arrived on 17.12.1995 at about 11.00 a.m. from Madras and that the train arrived from Madras at Kakinada without the S-5 coach and that the said fact had become known to the Station Authorities at Kakinada only when the train arrived from Madras. It is obvious that the train which started at Madras on 16.12.1995 i.e. a day before, started without S-5 coach and the Railway Authorities at Madras knew about it. The deficiency in service on the part of the railways is made out from the glaring fact that the concerned railway officials at Madras did not intimate the said fact to the concerned Railway Authorities at Kakinada and others concerned at the railway stations between Kakinada and Madras immediately on 16.12.1995 for taking appropriate action for informing the passengers who had berths reserved in S-5 compartment in that train on its return journey from Kakinada to Madras. It was admitted in the memo of arguments submitted before the District Forum on behalf of the opposite parties that S-5 coach became sick on 16.12.1995 at Madras and therefore the cancellation of S-5 coach happened due to reasons beyond the control of the authorities. From this also it is obvious that the Railway Authorities at Madras knew that the train started at Madras on 16.12.1995 without S-5 coach and yet did not inform all concerned about the cancellation of S-5 coach. This becomes important because the complainant booked the tickets for his mother and father on 17.12.1995 at 8.31 a.m. which is evident from Ex. A-1, xerox copy of the ticket; and the ticket showed that berth No. 28 in S-5 coach was reserved for the father of the complainant. Had the Railway Authorities at Madras informed the Railway Authorities at Kakinada about the cancellation of S-5 coach on 16.12.1995 itself no such reservation could have been made. We may also observe that as the issuance of the tickets was computerised, immediate appropriate instructions could have been fed into the computer so that such a reservation could not have been effected on 17.12.1995 when the train started without S-5 coach at Madras on 16.12.1995. We are therefore satisfied that there was clear deficiency in service on the part of the railways. It is unfortunate that the railways are lagging behind in rendering efficient and prompt service to the travelling public inspite of computerisation and availability of modern technology. In *B.V. Raghavaiah (supra)*, we observed as follows : "It is incumbent on the Railways running the services throughout the country to be fair to their passengers by keeping substitute coaches available to meet contingencies like this. The very fact that the slip coach became "sick" at the last moment speaks volumes about poor maintenance methods of railway. That is possible only because there is no concern whatsoever for reliable service to be given to the passengers of Indian Railways." In the result, the appeal is dismissed. No

costs. Appeal dismissed.