



IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

PIL No. 5/2016

Sri Ranjit Kr. Mushahary

S/O Dewalsing Mushary

R/O. Hadanpara, Ward No. 8

P.O. & Dist: Kokrajhar, Assam

PIN-783370

..... Petitioner

-Versus-

1. The Union of India

Represented by the Secretary to the Minister of
Railway, Rajiv Bhawan, New Delhi-110001

2. Union of India

Represented by the Chairman, Railway Board,
Ministry of Railways, Railway Bhawan, New
Delhi

3. Indian Railway Catering and Tourism

Corporation Ltd., 9th Floor, Bank of Baroda,
Building 16th Bartsament Street, New Delhi-
110001

4. Hindustan Times House, 3rd Floor, 18-20
Kasturba Gandhi Marg, New Delhi-110001

- 5. Chief Commercial Manager,**
North East Frontier Railways, Maligaon,
Guwahati, Assam
- 6. General Manager/PRS-1, CRIS**
Chanakyapuri, New Delhi

.....Respondents

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

For the Petitioner(s) :

For the Respondents : Mr. R.K.D. Choudhury, Deputy
Solicitor General of India for Railways
Mr. N. Anix Singh,
Standing Counsel, IRCTC

Date of Hearing & Judgment : **20.03.2023**

JUDGMENT & ORDER

(SOUMITRA SAIKIA, J)

The petitioner is an advocate by profession. This PIL was filed by the PIL petitioner to bring to the notice of this Court, the hardships faced by general people of the State of Assam as they are unable to purchase Tatkal tickets from the Railway Authority in needs of urgency because of non-implementation by the respondent-Railway Authority of Public Accounts Committee (herein after referred to as "PAC") 80th Report 2012-2013 on the Railways as submitted by the then Chairman, PAC. It is the grievance of the PIL petitioner that in spite

of 80th PAC Report of 2012-13 having been circulated widely through print media as well as through other various sources of correspondence, the same has not been implemented by the Railway Authorities. The PIL petitioner who is a resident of the District of Kokrajhar, Assam has ventilated his grievances which are faced by the general public of the State due to non-implementation of the recommendation of 80th PAC Report 2012-13.

2. In this matter, Notices were issued as far back as 29.01.2016. Thereafter, the matter has come up before the Court on several dates. On 17.08.2016, the learned counsel for the petitioner was granted two weeks time to file rejoinder, however, no such rejoinder has been filed till date. Thereafter, further time was granted to the petitioner to file rejoinder but the same has not yet been filed.

3. From the Office Note, it is seen that steps on respondent No. 4 as directed by this Court has also not been taken. Thereafter, vide order dated 28.11.2022, the matter was deferred to await for service upon respondent No. 4. On 19.01.2023 none had appeared for the petitioner when the matter was called up and the matter was adjourned for four weeks.

4. Today also when the matter is called up, none had appeared for the petitioner. Mr. R.K.D. Choudhury, learned Deputy Solicitor General of India appears for the railways.

5. Since this is a PIL filed by the petitioner who is an advocate, where issues relating to hardships faced by common travellers have been raised, this Court

is of the view that the matter should not be dismissed for non-prosecution. Accordingly, we are proceeded to examine the matter on merits.

6. The learned counsels appearing for the Railways and the IRCTC have been heard. The pleadings on records have been perused.

7. The basic grievance of the PIL petitioner is that the respondent No. 3, namely IRCTC, is responsible for selling of Tatkal Tickets at a very high rate from travellers and thereby earning huge revenue. It is contended that the IRCTC is a subsidiary and a group company of the Indian Railways. The PIL petitioner contends that the IRCTC is charging a premium on the E-Ticket price and earning huge profits and provides facility for transacting with the Indian Railways PRS System through the internet. For this facility, service charge is charged over and above the normal ticket price. In addition thereto, if any ticket is booked through IRCTC authorized agent, an extra agent service charge is also levied. That apart, there are a payment gateway charges required to be paid by the travellers/customers for the online payment for purchasing of E-Tickets. It is contended that these service charges are extra burden on the passengers over and above the various charges imposed by the railway rules. It is further contended that where tickets are booked though internet, no concessions are permitted except those for senior citizens. That apart, reservation of tickets with break journey is not allowed for E-Tickets and the maximum number of 10 tickets can be booked per month. It is contended by

the PIL petitioner that under the quota system, a huge inventory of available tickets are hoarded, based on the type of train and class of travel. The Tatkal quota Tickets are sold at a huge premium upto Rs. 400/- over and above the normal price. The bookings of these tickets start one day in advance and thereby creating artificial scarcity and price rise to the benefit of numerous touts and agents causing great hardship to the genuine travellers. It is submitted that various recommendations were made by the PAC committee in its 80 Report for the year 2012-2013 including review of the scheme for providing Railway Tickets in certain Post Offices by Railway staff in order to prevent the already depleted financial recourses of the Railways.

8. According to the PIL petitioner by a written communication addressed to Professor K.V. Thomas, MP and Chairman of PAC 2014-2015 it informed that although the PAC of 2014-2015 reiterated the earlier Report, certain relevant paragraphs relating to the recommendations made by the earlier PAC 2012-2013 were missing from the earlier report, which was presented before both the Houses by the then Chairman of the PAC 2012-2013. The PIL petitioner submits that the recommendations in the earlier PAC Report of 2012-2013 having been removed from the record suggests that some manipulations and maneuvering may have taken place causing the relevant paragraphs to be missing from the earlier report. These recommendations were directed against

the issuance of Railway Tickets by charging higher fee by the Railways and the IRCTC.

9. By the instant PIL, the petitioner seeks implementation of the recommendations of the PAC 80th Report of 2012-2013 as it is the duty of the respondent authorities to implement the recommendations of the said both PAC's Report. Under these circumstances, the PIL has been filed by the petitioner with the following prayers:

"In the premises aforesaid, it is most humbly prayed that Your Lordships would be pleased to admit this petition as public interest litigation, issue Rule calling upon the Respondents to show cause as to why Writ in the nature of Mandamus and/or Certiorari and/or prohibition and / or any other appropriate Writ, order or orders should not be issued to the Respondents.

- I. Direct the Respondents to submit the details of action taken by the Govt. on the observation/recommendations of PAC Committee contained in their Eightieth Report (15th Lok Sabha) regarding TATKAL and ADVANCE reservation system in Indian Railway and/or perusal of the same be pleased to pass appropriate orders, directions.*
- II. To issue a Writ in the nature of Prohibition, prohibiting/collecting/editing the Report published / press release on 30th April 2013, Public Account Committee -2012-13.*
- III. Direct the Respondents to constitute/ implement the report submitted, Chairman of Public Account Committee 2012-13 by Dr. Muli Monohar Joshi and on perusal of such Report be pleased to issue appropriate writ, order or direction.*

- IV. *Direct the Respondents not to woefully missing paragraph-9 recommended by Dr. Murli Monohar Joshi, the then Chairman of PAC Report.*
- V. *Direct the Respondent No. 1 & 2 to include PAC Report of 2012-13. Para-9 which was intentionally woefully missing at the time of submitting the Report on 18.12.14 by Prof. V.K. Thomas, Chairman of PAC Committee 2014-15 and/or pass any other order as deem fit and proper in the facts and circumstances of the case.*
- VI. *Direct the Respondent No. 1 & 2 to take necessary steps for a judicial enquiry thorough a retired Hon'ble High Court Judge/Supreme Court of India Judge in the matter where Respondent No. 1,2 &3 clearly depicts the fact that the "virtue" of Subterfuge", has been extensively used besides some sort of plain but despicable manipulation and overtime manoeuvring has gone into making of the said Report against the Public Interest.*

-AND

During the pendency of the PIL your Lordships may be pleased to direct the Respondents No. 1 & 2 include para-9 PAC Report arising out of TATKAL and Advance reservation system in Indian Railways given by the Chairman, Dr. Murli Manohar Joshi, PAC Committee 2012-13 in the Public Interest and/or be pleased to pass such other order or orders as your Lordships may deem fit and proper under the facts and circumstances of the case.

And for this act of kindness, your humble petitioner as duty bound shall ever pray."

10. The Railway Authorities filed their affidavit-in-opposition stating that the entire matter regarding issue of tickets both reserved and unreserved was reviewed and a decision was taken to allow Public Private Partnership (PPP) in establishment and operation of Computerized Passenger Reservation System-cum-unreserved Ticketing System at centres to be called as Yatri Ticket Suvidha Kendra and accordingly, a detailed scheme was circulated vide the CC No. 33 of 2014 dated 08.08.2014 and a draft agreement of the scheme was circulated by 39 of 2014 dated 18.09.2014. According to the railways the features of the Scheme in brief are as under:

“(i) All the authorized ticketing agent who have worked for at least five years providing railway ticketing (reserved/unreserved) services for the passengers for Indian Railways are eligible in the scheme.

(ii) The licence will set up an office and set up counters on the pattern and standard at par with computerized PRS centres of Indian Railways. The licence will engage their own staff at their own cost for running such ticketing centre(s). The cost and rental of premises (if any) will be borne by the licensee only.

(iii) Each selected licensee will be given facility of operating upto four terminals. However, the limit on numbers of counters to be given to licensee can be increased by Indian Railways if found necessary.

(iv) The licensee shall have to pay:-

(a) One time registration fee (Rs. 5 lakh)

- (b) Security Deposit/Bank Guarantee (Rs. 2 lakh per port)*
- (c) System access charges (Rs. 1.6 lakhs per terminal per annum and*
- (d) Licencee fee (Rs. 5,000/- per counter per annum)*
- (v) The commission/Service charge shall be Rs. 30/- per passenger for 2S and Sleeper Classes and Rs. 40/- per passenger for all other classes.*
- (vi) The licensee shall share 25% of the service charges levied on the customer for booking/cancellation of reserved tickets. There shall be no revenue sharing arrangement in case of tickets sold through unreserved ticketing system.*
- (vii) The initial tenure of the licence shall be for a period of 3 years. The licence can be renewed for one year at a time after expiry of its existing tenure.*
- (viii) Adequate safeguards have been taken to guard against any malpractices.*
- (ix) The commercial Circular (No. 33/2014) issued in this regard has been uploaded on the Indian Railway Website."*

11. It is contended by the Railway that in so far as the Tatkal charges are concerned, they were thoroughly revised in 2004 and it was stipulated that passengers will have to pay charges from originating to terminating point irrespective of boarding stations of the passengers. This condition was relaxed in 2013 and the Tatkal charges were linked to the basic fare subject to

minimum and maximum charges prescribed in the scheme. The said charges were further rationalized in 2015. Several changes and checks and balances were introduced in respect of reservation of tickets through Tatkal. Regarding reservations through internet, it is contended that service charge on E-Ticket is levied as E-ticket booking is a value added service and involves expenditure. Steps have been taken to enhance the capacity of the IRCTC Server and it has been increased to 12,900 tickets as against 7200 tickets per minute earlier. There are further checks deployed by IRCTC to avoid misuse of facility of booking reserved tickets through the internet. Regarding booking of concessional tickets, the facilities have now been extended to other categories besides Senior citizens like physical disabled, journalists and defence personnel. Regarding the restrictions for booking of number of tickets at a time, the limit of 10 tickets was reduced to 6 tickets in respect of tickets being booked. As per the Railways, the limit of booking of tickets has been brought down in order to prevent misuse by unscrupulous elements. The IRCTC has also filed their affidavit and has supported the stand of the railways.

12. Upon hearing the learned counsels and upon careful perusal of the pleadings on record, it is seen that the Railways have undertaken periodic evaluation of the ticketing system resorted and any such policy decisions which are in respect of ticketing taken by the railways are also required to be followed by the IRCTC. It is seen from the pleadings that the grievances of the

petitioner have been largely addressed to by the Railways as well as by the IRCTC. It is submitted by the learned counsel appearing for the Railways and the IRCTC that ticketing process via internet has been simplified to a great extent and therefore majority of the ticketing are presently being transacted through the internet by making E-payments.

13. Upon due perusal of the affidavit filed by the Railways as well as IRCTC, this Court is of the considered view that this PIL can be closed at this stage as the grievances of the petitioner has been substantially addressed to by the Railways.

14. Accordingly, this PIL petition is closed. It is, however, directed that the Railways will continue to evaluate and re-evaluate the ticketing system to make it more accessible to common travellers and general public of the State and also to ensure that the least amount of hardship is caused to the travellers and the general public during the ticketing process. The Railways are also directed to disseminate and circulate widely any such changes and/or guidelines etc that may be introduced to regulate and improve the ticketing system so that it is more customers friendly.

15. With the above observations, the PIL stands closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant