

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 37802 of 2009 (U)

PETITIONER(S) :

1. M.SUR REDDY, PRESIDENT, ANDHRA MILLER ASSOCIATION, CHAITHANYA RICE TRADERS, PAIKADA ROAD, KOLLAM.
2. S. RAMESH KUMAR, TREASURER, CHAMBER OF COMMERCE, CHAMBER BUILDING, STONE BRIDGE KOLLAM - 6.

BY ADV. SRI.T.MADHU

RESPONDENT(S) :

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, RAILWAYS, NEW DELHI.
2. THE CHIEF GOODS SUPERVISOR, SOUTHERN RAILWAY, KOLLAM.
3. THE STATON MANAGER, SOUTHERN RAILWAY, KOLLAM.

R2-3 BY SMT.M.R.SREELETHA, SC, RAILWAYS
BY SRI.JOHN MATHEW, SC, RAILWAYS
BY SRI.JAMES KURIAN, SC, RAILWAYS
BY SRI.N.B.SUNIL NATH,SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 37802 of 2009

Dated this the 21st day of November, 2015

J U D G M E N T

Challenging the demand of demurrage charges for unplaced goods by the respondent Railway Board against the petitioners, the petitioners have come up before this Court.

2. Today, when the matter came up for hearing, it was submitted by both sides that the matter in issue has been considered by a Division Bench of this Court in intra court appeals, i.e., WA No.917/2014 & connected cases. A certified copy of the judgment dated 03.09.2014 in the aforesaid writ appeals was made available for perusal. The writ appeals were disposed of as under;

“(1) The writ petitioners are permitted to make an application for waiver before the Station Manager/Goods Supervisor within 30 (thirty) days from today giving all details along with reasons and relevant records as necessary.

(2) Station Master/Goods Supervisor shall forward the application for waiver of demurrage charges to the Divisional Officer with his remark within 15 (fifteen) days of receipt of the

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application.

(3) The Divisional officer shall take a decision on the waiver application considering the reasons and circumstances given by the writ petitioners in the waiver application. Consequential orders be issued thereafter. In case the writ petitioners are aggrieved by the said decision, they can prefer appeal to the higher authority."

In the light of the above, the writ petition is closed, permitting the petitioners to move as per the aforesaid direction.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/21.11.2015

//True copy//

PA to Judge