

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28907 of 2011
and
M.P.Nos.1 and 2 of 2011

S.Srinivasa Narayanan .. Petitioner

-vs-

1.The Chairman,
Railway Board,
Ministry of Railways,
Government of India,
New Delhi.

2.The Chief General Manager,
Southern Railway,
O/o. The Southern Railway,
Chennai-600 003.

3.The Chief Commercial Manager,
Southern Railway,
O/o. The Southern Railway,
Chennai-600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the first respondent in his Proceedings No.2011/TG-I/20/Tatkal, New Delhi, dated 11.11.2011 vide Commercial Circular No.59 of 2011 in so far as the conditions (i)The Advance Reservation Period (ARP) of Tatkal scheme should be reduced from two days at present to one day excluding the day of journey from the train originating station. For example, if train is to depart from the originating station on the second of the month, the Tatkal quota for that particular train shall open at 0800 hours of the first of the month; (ii)No refund will be granted on cancellation of confirmed Tatkal tickets except in case of circumstances mentioned in para 2 of instructions contained in Commercial Circular No53 of 2006 issued vide letter No.2006/TGI-I/20/P/Tatkal, dated 30.6.2006 and (iii)No duplicate Tatkal tickets shall be issued. Duplicate Tatkal tickets shall be issued only in exceptional cases on payment of full fare

including Tatkal charges of the circular is concerned and quash the same.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.V.Radhakrishnan
Senior Counsel
for
Mr.V.G.Sureshkumar

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The only aspect even as per the learned counsel for the petitioner that survives in this petition is that on purchase of the Tatkal tickets, there is now no refund provided. The rationale for the same is explained by the learned Senior Counsel appearing for the respondent railways that earlier, 25% was refunded on account of the period in question being two days, now the period has been reduced to 24 hours and therefore, no refund has been provided.

2. In our view, all these aspects form part of the policy domain and they cannot be said to be per se arbitrary or illegal. This Court cannot lay down an alternative schemes in such matters and it is best left to the railway authorities how to proceed on these aspects.

3. We are not inclined to entertain the Public Interest Litigation.

4. The writ petition is dismissed. We, however, make it clear that this will not preclude the respondent railway authorities from itself showing any concession in this behalf, if they take such policy decision. No costs. Consequently, M.P.Nos.1 and 2 of 2011 are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

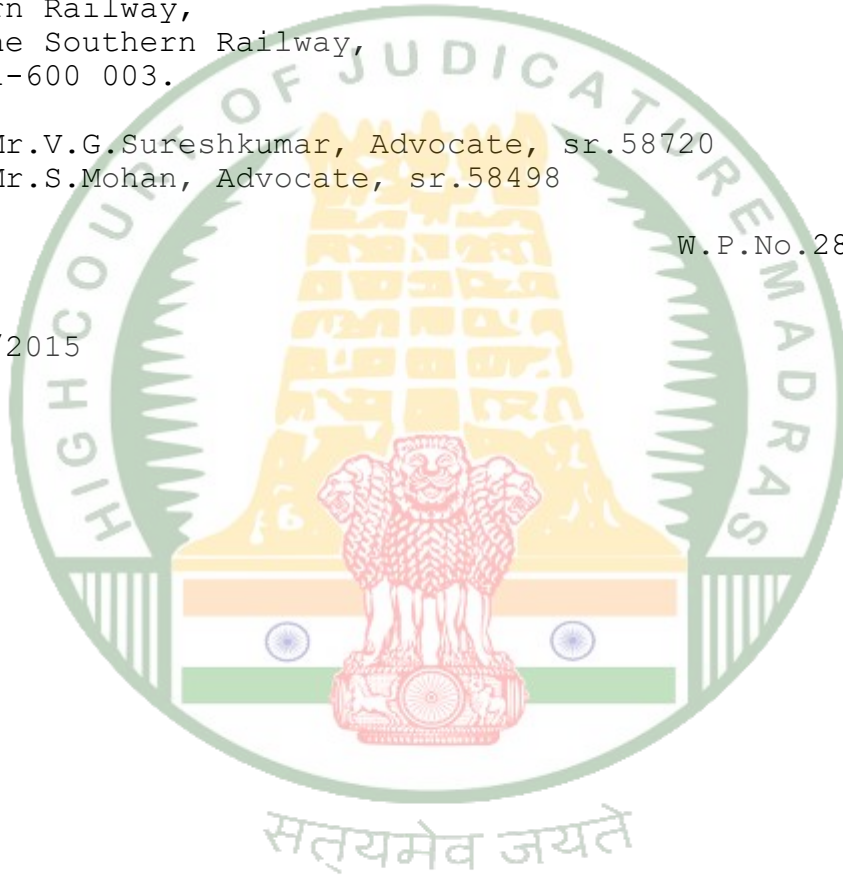
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+1 cc to Mr.V.G.Sureshkumar, Advocate, sr.58720

+1 cc to Mr.S.Mohan, Advocate, sr.58498

W.P.No.28907 of 2011

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