

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14203 of 2014
and
M.P.No.1 of 2014

S. Prem Kumar

.. Petitioner

Vs

1.The Southern Railway
rep. By the General Manager
Southern Railway
Park Town, Chennai-3.
2.The Chief Personnel Officer
Southern Railway
Park Town, Chennai-3.
3.Southern Railway Police Force
rep. By the Superintendent of Police
Southern Railway
Park Town
Chennai-3.

... Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the respondents to pay adequate, just and reasonable compensation to the family of the petitioner, (whose father had died, due to the injuries caused to him by the transgenders at Meenjur Railway Station) to save his family from sudden Crisis arisen on the infortunate death of his father who was clerk in indian Bank, pulicat, Chennai.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for M/s.M.Srividhya

For Respondents: Mr.P.T. Ramkumar

O R D E R

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to pay adequate, just and reasonable compensation, to the family of the petitioner, whose father had died, due to

the injuries caused to him, by the transgenders, at Meenjur Railway Station.

3. It has been stated that, while the father of the petitioner was boarding an Electric Train bound to Meenjur, to attend the Pradhosham Pooja, at Ekambaranathar Temple, Meenjur, the transgenders, four or five in number, surrounded him and demanded money. They started harassing him, as he had not paid the money demanded by them. After he had got down at the Meenjur Railway Station, the transgenders had attacked him and he had succumbed to the injuries sustained by him, on the same day.

4. It had also been stated that a First Information Report had been registered, by the Inspector of Police, Railways, Law and Order, Chennai Central, on 28.3.2014, wherein the facts relating to the incident had been narrated. In such circumstances, the respondent Southern Railway, is liable to pay compensation to the petitioner's family, which had lost its breadwinner, who was working as a Clerk, in the Indian Bank, Pulicat, Chennai.

5. Hence, the petitioner has preferred the present writ petition, under article 226 of the Constitution of India.

7. The learned counsel, appearing on behalf of the respondents had submitted that a specific provision had been incorporated, under Section 124-A of the Railways Act, 1989, (hereinafter referred to as 'the Act') for claiming compensation on account of untoward incidents. Section 125 of the Act, provides for making an application for compensation, to the Claims Tribunal. The provisions under Section 126 of the Act, provide for the payment of interim relief, by the railway administration.

8. In view of the submissions made by the learned counsel, appearing on behalf of the petitioner, as well as the respondents, and in the light of the above said provisions of the Act, this Court is of the view that it is for the petitioner to move the Claims Tribunal, as well as the Railway Administration, as provided under the provisions of the Railways Act, 1989, to pursue his remedy, if any. Hence, this Court does not find it appropriate to exercise the powers of the writ jurisdiction, under Article 226 of the Constitution of India, to direct the respondents to grant compensation, as prayed for by the petitioner. Further, if an application is preferred by the petitioner claiming compensation, the time spent on pursuing the writ petition filed before this Court, claiming compensation, may be considered by the Claims Tribunal, according to law.

The writ petition is dismissed, with the above observations.
No costs. Consequently, connected M.P. is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rnb

To

- 1.The Southern Railway
rep. By the General Manager
Southern Railway
Park Town, Chennai-3.
- 2.The Chief Personnel Officer
Southern Railway
Park Town, Chennai-3.
- 3.Southern Railway Police Force
rep. By the Superintendent of Police
Southern Railway
Park Town, Chennai-3.

+1cc to M/s. M. Srividhya, Advocate, S.R.No.51434
+1cc to Mr. P.T. Ramkumar, Advocate, S.R.No.51589

ALA(CO)
EU(28/09/2016)

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