

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 31759 OF 2011

ORDER :

The Writ Petition is filed questioning the inaction on the part of the respondents in attaching train service parcel van, on regular basis, to 18646/18645 East Coast Express, Hyderabad-Howrah-Hyderabad and allotting 18 tonnes quota for Hyderabad Railway Station in RSLR (Rear Single Loading Room).

The respondents have filed a counter-affidavit, sworn to by Sri M. Sami Naik, Senior Commercial Manager (General), South Central Railway, explaining, in detail, the operational difficulties that are coming in their way in accepting the request made by the petitioner.

This Court, *vide* order dated 27.12.2011, after taking into account and consideration the submissions made by the learned counsel on either side, across the Bar, particularly in view of the fact that the respondents have agreed that within a week or two, the parcel van would be attached to the aforesaid train, directed the provision to be made within two weeks. Thereafter, the matter underwent so many adjournments. On 13.03.2012, it was represented by the learned Standing Counsel for the Railways that pursuant to the orders of this Court dated 27.12.2011, the respondent Railways has examined the feasibility of providing additional parcel van, but however, it has been decided that it is not possible to provide additional van, on daily basis, to the petitioner. It has further been submitted that if the specific indent

is made by the petitioner, in advance, subject to availability of parcel van, the same would be provided in terms of the policy guidelines issued by the Railway Board on 05.07.2005. Hence, the order dated 27.12.2011 was modified to the extent indicated above. Thereafter, alleging violation of the order dated 27.12.2011, the petitioner filed Contempt Case No. 96 of 2012, wherein, this Court, by taking note of the fact that the order dated 27.12.2011 was modified on 13.03.2012 to the effect that if the petitioner files an indent whenever he wants to use the services of a van, the respondent Railways would consider such a request in terms of the policy guidelines, dismissed the Contempt Case, making it clear that it is for the petitioner to send the indent in advance, in terms of the aforesaid order to enable the South Central Railways to consider the same.

In this fact scenario, one of the important aspects, which is required to be considered in the present case, is as to whether Writ Petition of this nature is maintainable. The relief claimed in the Writ Petition is in the nature of a direction to the Railways to provide additional parcel van, on regular basis, to East Coast Express from Hyderabad destined to Howrah and back with eight tonnes quota exclusively for Hyderabad Railway Station. Providing parcel vans/additional transport facilities for cargo depends on various aspects, like availability of rakes, resources, traffic at a given point of time, season and nature of cargo. These are all matters essentially falling within the policy domain of that particular organization. Hence, a writ seeking a direction to the Railways to provide a particular facility itself is misconceived. In

those circumstances, the stand taken by the respondent Railways in their counter-affidavit cannot be found fault with.

The Writ Petition therefore, stands dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

17th November 2016

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