

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 8820 of 2020

Dr.A.S.Mohamed Khader Meeran

... Petitioner

Vs.

- 1.The Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 001.
- 2.Member Secretary,
National Disaster Management Authority
(NDMA), NDMA Bhawan,
New Delhi - 110 029.
- 3.The Home Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi - 110 001.
- 4.Principal Secretary,
Railway Board, Ministry of Railways,
Rail Bhavan, New Delhi - 110 001.
- 5.Chairman and Managing Director,
Indian Railway Catering and
Tourism Corporation Limited
(IRCTC), B 148, 11th Floor,
Statesman House, Barakhamba Road,
New Delhi - 110 001.
- 6.The General Manager,
Southern Railway (Hq), Chennai - 3.

... Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of mandamus directing the respondents to
issue appropriate orders to start the facility of booking
concession tickets (for patients), through IRCTC e-ticketing

service for trains beginning after 1st June 2020, to provide reimbursement for the eligible passengers (patients category) who have booked train tickets through IRCTC and made payments without availing the concession (for trains beginning from June 1st, 2020) and to take steps to provide concession ticket booking facility through IRCTC e-ticketing facility (Website and app) for all the concession categories including patients, widows, students, youths, awardees, farmers (kisans), medical professionals etc., who are eligible for concession under the current rules of Railways, after initiation of regular train services.

For Petitioner ... Mr.A.Syed Kaleesha

For Respondents ... Mr.R.Sankaranarayanan,
Addl. Solicitor General
assisted by Ms.M.P.Jaishah,
CGSC for R1 to R3
Mr.P.T.Ramkumar for R4 to R6
Standing Counsel

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition seeking a direction to the respondents to extend the facility of concession tickets through e-ticketing services apart from what has been offered to those who are booking tickets in person.

2.In the counter affidavit filed by respondents 4 to 6, it has been stated as under:

7.The details of concession in passenger fare admissible to 11 categories of patients is follows:

Sl. No.	Patients	
1	Cancer patients travelling alone or with an escort for treatment/periodic check up	75% in 2nd, 1st class & AC chair car. 100% in SL & 3AC 50% in 1 AC & 2 AC One escort eligible for same element of concession (except in SL & 3AC where escort gets 75%)

Sl. No.	Patients	
2	Thalaseemia patients travelling alone or with escort for treatment/periodic check up	75% in 2nd, SL, 1st Class, 3 AC, AC Chair Car
3	Heart patients travelling alone or with an escort for heart surgery	50% in 1AC and 2AC
4	Kidney patients travelling alone or with an escort for kidney transplant operation/dialysis	One escort is also eligible for same element of concession
5	Haemophilia patients severe & moderate form of disease - travelling alone or with an escort for treatment/periodical check up	75% in 2nd, SL, 1st Class, 3 AC, AC Chair Car One escort is also eligible for same element of concession
6	T.B/Lupus Valgaris patients travelling alone or with an escort for treatment/periodical checkup	75% in 2nd, SL and 1st Class One escort is also eligible for same element of concession
7	Non-infectious leprosy patients for treatment/periodical check up	75% in 2nd, SL and 1st class One escort is also eligible for same element of concession
8	AIDS patients for treatments/check up at nominated ART Centres	50% in 2nd class
9	Ostomy patients - travelling for any purpose	50% in MST & QST One escort is also eligible for same element of concession
10	Sickle cell anaemia - for treatment/periodical check up	50% in sleeper, AC chair car, AC 3 tier and AC 2 tier classes
11	Aplastic Anaemia - for treatment/periodical check up	50% in sleeper, AC chair car, AC 3 tier and AC 2 tier classes

8.I submit that the concessional tickets are issued to persons with Disabilities (Divyangjan) and Senior Citizen through online facility. Concession to Divyangjan is granted to travel for any purpose and minimum validity of the certificate of Divyangjan is 5 years. However, in case of patients, certificates of patients are valid for single journey for the specific purpose.

3. From the aforesaid submission made, it is clear that the concession tickets are issued to persons with disabilities and senior citizens through online facility. Various categories of the persons have been given the benefit.

4. In such view of the matter, we are of the view that no further orders are required. Apart from the same, booking online per se cannot be equated with that of the physical booking. Accordingly, the writ petition stands disposed of by taking note of the aforesaid paragraphs in the affidavit filed by respondents 4 to 6. We would only expect respondents 4 to 6 to comply with the same in letter and spirit. No costs.

Sd/-

Assistant Registrar(CS IIII)

//True Copy//

Sub Assistant Registrar

mml/ssm

To

1.The Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 001.

2.The Member Secretary,
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(NDMA), NDMA Bhawan,
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5.The Chairman and Managing Director,
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(IRCTC), B 148, 11th Floor,
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6.The General Manager,
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Chennai - 3.

+1cc to Mr.A.Syed Kaleesha, Advocate, sr.no.30676
+1cc to Mr.M.P.Jaisha, CGSC, Sr.no.30788
+1cc to Mr.P.T.Ramkumar, Advocate, sr no.30779
+1cc to Mr.V.G.Suresh Kumar, Advocate, sr no.30554

W.P.No. 8820 of 2020

MP (CO)
RMP (15/10/2020)



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