



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Public Interest Litigation No.46 of 2023

[Mr. Sundeep S/o Mr. Radhakrishna and Sasikala Badana **VERSUS** Union of India, through the
Secretary, Ministry of Railways, New Delhi and another]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Petitioner in person.

Shri N.S. Deshpande, Deputy Solicitor General of India for Respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 17th APRIL, 2024

1. Heard.
2. In this Public Interest Litigation, the issue pertains to the restoration of various concessions conferred by the Railway Authorities on the class of passengers.
3. According to the petitioner, the withdrawal of such concessions by the Railway Authorities is through an administrative fiat and without approval of the Railway Board. The petitioner in such eventuality has claimed that the decision of the Railway Authorities to that extent reflected in the order dated 19-3-2020 needs to be upset with a direction to the Railway Authorities to restore the concessions as were existed pre-Covid period.
4. As far as the issue of restoration of concessions conferred by the Railway Authorities are concerned, Shri N.S. Deshpande, learned Deputy Solicitor General of India, while opposing the said prayer, would urge that it is the Railway Board has taken the decision to withdraw such benefits. Once a policy decision is taken by the Railway Board, the same is not open for interference.

He would draw support from the order passed by the Apex Court in Writ Petition (Civil) No.494 of 2023, decided on 28-4-2023, in the matter of *M.K. Balakrishnan Versus Union of India*.

5. We have considered the claim put forth by the petitioner appearing in person.

6. From the record, particularly Annexure R-9, the configuration of the Railway Board can be noticed. The note-sheet of the Railway Board along with the said document duly approved upto the Chairman of the Railway Board is placed on record to demonstrate that a policy decision is taken by the Railway Board to withdraw the concessions.

7. On perusal of the documents, which are produced on record, along with the reply filed by the respondents, we are satisfied that there exists a policy decision of the Railway Board to withdraw the concessions which were earlier conferred under various heads, including that of Senior Citizens, etc.

8. Apart from above, a similar issue came up for consideration before the Apex Court in Writ Petition (Civil) No.494 of 2023, referred to above. The Apex Court while dealing with the similar issue has observed that whether to confer or withdraw the concessions by the Railway Authorities is a policy decision. Such policy decision is not open for questioning unless it is demonstrated to be arbitrary or in violation of fundamental or statutory right.

9. In our opinion, the issue sought to be canvassed by the petitioner is squarely covered by the law laid down by the Apex Court in the aforesaid decision.

10. The withdrawal of concessions by the Railway Authorities prima facie appears to be a policy decision, which has not only having financial impact over the operation of the Railways but also the limitation with which this Court is required to exercise the power under Article 226 of the Constitution of India in the matter of challenge to policy matters.

11. That being so, we refuse to entertain this Public Interest Litigation thereby causing interference in extra ordinary jurisdiction..

12. The Public Interest Litigation is dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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