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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No. 3280 of 2026
*CNR:{HCMA010992732026}*

S.Balasubramanian
S/o.Swaminathan,
MIG-2, 9/1, TNHB Apartments,
Anna Main Road, K.K.Nagar,
Chennai 600 078

Appellant

Vs

1.Union of India
Rep. by its Secretary,
Ministry of Railways,
Railway Bhavan
New Delhi 110 001

2.The General Manager
Southern Railway, Chennai-600 003.

3.The Senior Divisional Commercial
Manager
Southern Railway,
Chennai-600 003.

Respondents



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PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.3837 of 2026, dated 11.2.2026.

For Appellant: Mr.L.S.M.Hasan Faizal
for Mr.T.Dharani

JUDGMENT

(Delivered by *G.Arul Murugan,J.*)

This intra-Court appeal calls into question the order dated 11.2.2026 passed in W.P.No.3837 of 2026, whereby the challenge made to Para 652(a) and Para 652(d) of the Indian Railway Commercial Manual Vol-I, introduced through commercial Circular No.60/2017, dated 17.8.2017, was rejected.

2. Learned counsel for the appellant submitted that the appellant, a frequent traveler, was traveling with his unwell wife. Despite her illness, she was not permitted to use the sleeping berth beyond the prescribed hours. Under these circumstances, the appellant filed the writ petition challenging Para 652(a), which restricts



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sleeping accommodations to fixed time limits. He further submitted that though certain safeguards were made in Para 652(d), when the appellant requested the other passengers, the same was not heeded to and the safeguards made in Para 652(d) were not purposeful and, therefore, the entire restriction imposed has to be declared as unconstitutional.

3. We have considered the submissions made by learned counsel for the appellant and perused the materials available on record.

4. To balance the convenience of all passengers in three-tier coaches, the Railways introduced time restrictions under Para 652(a) so that ticketed passengers could sit during non-sleeping hours. Para 652(a) reads as follows:

> *"Sleeping accommodation between 2200 hours and 0600 hours and sitting accommodation for the rest of the period is provided for the passengers in the reserved coaches having sleeping accommodation."*

5. Para 652(a) restricts sleeping accommodation to the hours between 2200 and 0600, while reserving the remaining time for sitting



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accommodation in reserved coaches with sleeping berths. The primary purpose of this restriction is to ensure that all valid ticket holders can travel comfortably without causing inconvenience to co-passengers, as passengers assigned middle and upper berths require seating space during the day.

6. Nevertheless, to address any hardship that might be experienced by pregnant women and persons with disabilities, the Railways introduced Para 652(d), which reads as follows:

> *"Passengers are, however, requested to co-operate with sick, persons with disability and pregnant ladies in case they want to sleep beyond permissible time limits."*

7. Para 652(d) clarifies that sick persons, persons with disabilities, and pregnant women may sleep beyond the permissible time limits and the co-passengers are requested to cooperate.

8. The restrictions under Para 652 bear a reasonable nexus for ensuring convenience for all traveling passengers. A solitary instance, where co-passengers declined to extend sleeping hours for the



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appellant's unwell wife, does not justify invalidating a rule designed to serve the broader public interest.

9. If the appellant had any grievance despite Para 652(d) providing concessions for persons with disabilities and pregnant women, he could have brought the matter to the attention of the onboard railway staff, the Railway Protection Force or officials at the next station. Instead of seeking such assistance, the appellant prematurely chose to challenge Paras 652(a) and (d) as unconstitutional. In our considered view, this challenge is entirely baseless and misplaced. We find no error in the order of the learned Single Judge dismissing the writ petition.

10. We, however, clarify that passengers experiencing difficulties can report them to railway officials, who are bound to ensure that the safeguards under Para 652(d) are properly enforced.

11. The writ appeal stands disposed of accordingly. There shall be no order as to costs.



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12. At this juncture, learned counsel for the appellant submits that the appellant has already filed complaint in respect of non-providing of the facilities as per Para 652(d). If any such complaint is already filed, it is for the appellant to pursue the same further.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)

28.10.2026

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:

1.The Secretary,
Union of India
Ministry of Railways,
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New Delhi 110 001

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Southern Railway, Chennai-600 003.

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THE HON'BLE CHIEF JUSTICE
AND
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