



Tribunal to grant relief from a data subsequent to the data of the complaint.

Mr. Venkatesam urged that assuming that the Tribunal had such discretion, it should be exercised judicially and not in an arbitrary manner. But in this case we are convinced that the discretion has been exercised after consideration of

relevant matters. It is not for us to say how we would have exercised our discretion. We agree with Rajagopalan, J., that there is nothing ex facie in the order of the Tribunal to hold that the discretion of the Tribunal has been improperly

exercised.

2. The second point is based on Art. 14 of the Constitution. There was an enhancement in the rate of jute by reclassification. Jute which was originally in class 2 was placed in classes 7 and 8 in the areas served by all railway except the

E. G., and A. B. Railways. As regards other commodities, there was only one step up, that is, goods placed in class 2 were placed in class. This differentiation, it was contended amounted a discrimination which offended the principle of

Art. 14 of the Constitution. The Tribunal however has given reasons to justify the reclassification. We cannot say that having regard to the peculiar circumstances relating to the transport of raw jute the reclassification was discriminatory in

any sense. There was good reason for reclassifying raw jute as coming within classes 7 and 8. The learned Judge, Rajagopalan, J., no doubt does not in terms mention Art. 14. All that he says is that there was ample material on the

evidence before the Tribunal for its conclusion that the change in the classification was not unreasonable. We have examined the charge levelled by the appellant but we are convinced that there was no discrimination which should be

struck down by applying the principle of Art. 14 of the Constitution.

3. The third and last point was that issue No. 1 should have been decided by the Tribunal. That issue runs thus :

Were the increases in the station to station rates for the carriage of jute to the applicant mills and their final cancellation justified and reasonable?

The matter covered by this issue related to a period anterior to the filing of the complaint. Actually on the date of the complaint there were not station to station rates. There was an issue whether the appellant was entitled to any and to

what special station to station rates. But that was decided against the appellant. It was unnecessary for disposing of the complaint to decide the question whether the periodical increases in station to station rates when they existed were

justified and reasonable. Admittedly the Tribunal could not have ordered a refund

or given any other substantial relief to the appellant even if they were to come to the conclusion in its favour. Having regard to this limitation on the power

of the Tribunal, we cannot say that the Tribunal was wrong in omitting to give a finding on issue 1. There is no substance in this point either. The appeal is dismissed.

4. Appeal dismissed.