
(1993) 08 MP CK 0036
In the Madhya Pradesh High Court
Case No : M.P. No. 212 of 1993

Nagesh and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-08-1993

Acts Referred:

Constitution of India, 1950 — Article 226, 38(2), 39

Citation : (1993) JLI 746

Hon'ble Judges : V.D. Gyani, J;M.W. Deo, J

Bench : Division Bench

Advocate : A.M. Kulumbale and M.A. Bohra, for the Appellant; Jain and B.G. Neema, for the Respondent

Final Decision : Allowed

Judgement

V.D. Gyani, J.—A train by name Awantika Express, running between Indore and Bombay, was started after a great deal of efforts and pressing demands by the travelling public of Malwa Region, with avowed object and declaration that it would provide the much needed service of reaching Bombay Central next day morning around 8.00 a.m. This train numbered as 2962 UP and 2961 Down, leaves Indore at 8.25 p.m. and earlier used to arrive at Bombay Central at 11.45 a.m. The travelling public naturally, therefore, had been complaining about the timings and pressing hard their demand for an early arrival of the said train at Bombay Central. It is their grievance that their complaints were not heeded to, or ultimately rejected by the Respondents, on grounds false and flimsy.

2. For some time past, the train now terminates at Bandra, instead of Bombay Central. It is the Petitioners' case that as many as 16 trains from Gujarat as per Annexure P. 1, reach Bombay Central; out of them 11 are Mail and Express trains and five are passenger trains; while Awantika Express although termed and named as Super Fast express train, is terminated at Bandra, under the false pretext that Bombay Central Station is over crowded during morning hours, but the fact remains that the passenger trains from Gujarat and other parts, as also

other express trains are admitted at Bombay Central station. Petitioners, therefore, complain of hostile discrimination to the travelling public of this region, and particularly the city of Indore.

3. The Petitioners have been making representations to the authorities ventilating their grievances and objecting to the timing of arrival of Awantika Express at Bombay Central. One such representation is filed as Annexure P. 2.

4. The stand taken by the Respondents in this regard, is that the platform capacity of Bombay Central is not such as to admit the trains of large number of coaches. Therefore, Awantika Express is required to be terminated at Bandra Terminus.

5. The Petitioners contended that Saurashtra Express with 21 coaches is admitted at Bombay Central, delinking six of its coaches at Dadar, while Awantika Express which has only 16 coaches, is denied admission at Bombay Central. The Petitioners, therefore, urged that one or two coaches of Awantika Express can also be delinked at Dadar or Boriwali Stations; as is done in the case of Saurashtra Express but instead of doing so, the Respondent-authorities are terminating this train at Bandra Terminus, which apart from extra huge expenses causes a great deal, hardship and inconvenience to the travelling public.

6. The Petitioner submitted yet Anr. representation (Annexure P. 3) praying that the time table of Awantika Express be rescheduled and so adjusted as to serve the needs of the travelling public. In response to this representation Annexure P. 3, the General Manager, Respondent No. 2 replying to this representation Anx. P. 3, vide his letter dated 19.11.92, Annexure P. 4, informed the Petitioners that as many as 50 local trains and four mail express trains are running on fast corridor reaching Bombay Central at that hours thus there was no track available for additional trains.

7. On 1.1.93, this train Awantika Express has been declared a Super fast Train and numbered as 2961 and 2962 instead of 9061 and 9062 as initially numbered.

8. The Petitioners lulled for a while under the belief that the train has been declared to a super fast train, as per notice Anx. P. 5 published in the Times of India. Its timings would be rescheduled and the terminus changed from Bandra to Bombay Central. But the Respondents instead of acceding to Petitioners request and representation have introduced a new train between Jaipur and Bombay Central, reaching Bombay Central at 7.55 a.m.

9. The Petitioners have a grievance that when people of Malwa Region craved for suitable timings and demand rescheduling of timings of Awantika Express, so as to press their demand for suitable timings reaching Bombay Central around 8.00 a.m. Respondents in their obdurate and obstructive move, turned down their request and representations on a false pretext and flimsy grounds; but now they have introduced a new train between Jaipur and Bombay almost at the same timings with slight variations, running on the same track, which was to the

Petitioners stated to be not available. The capacity of platform has not changed nor the number of trains. This simply exposes the falcity of pleas taken by the Respondents in turning down the demands of the local public in rescheduling of timings.

10. The introduction of this train is cited as a glaring example and discriminatory treatment meted out to people of Malwa Region and particularly of Indore at the hands of the Respondents, seeking support from, and basing their claim on Article 38(2) of the Constitution, the Petitioners contend that it is Respondents' duty to minimise inequalities even in the matter of facilities and opportunities intended amongst individuals but also amongst people residing in different area of the country.

11. Before we proceed to examine the reasons assigned and the rival contentions advanced by the Respondents for not running the train at timings sought and craved for by the Petitioners, the question of justiciability and locus-standi, as raised by the learned Counsel for the Respondents, need to be disposed.

12. Learned Counsel for the Respondents contended that the timings as claimed by the Petitioners in running a particular train is not a justiciable right and they cannot be allowed to invoke Article 226 of the Constitution in this regard. The contention appears to be ill-conceived; firstly because the railway administration though monopolistic does not enjoy an absolute freedom from judicial scrutiny; secondly because it is an essential public service intended to cater to the needs of the travelling public. The allocative efficiency of timings particularly in the present case, well be tested in the light of admitted facts and the reasons assigned by the Respondents for not running the train at the relevant time as desired by the Petitioners.

13. As far locus-standi, the submissions that Petitioners lack it, because they have not suffered any concrete injury as a result of the timings allocated to the train. In this connection sufficient is to note that myth of locus standi has long been exploded by the Supreme Court in *Sat Pal Gupta and Another Vs. State of Haryana and Others*, The actual or imminent injury due to timings of train as fixed by the Respondents is writ large in the petition itself. If a passenger intending to travel or actually travelling is effected by the timings and the activities under challenge he has also a right to its redressibility. It cannot be overlooked that the petition has been brought in public interest; interest of general travelling public from a particular region namely "Malwa" or Central India. There is sufficient material placed on record; the injury caused as a result of timings, adversely effecting its allocative efficiency, is amply made out by the Petitioners.

14. It is a Public Interest Litigation (for short PIL) intended to provide better services to the travelling public. The Respondents have raised an objection about the justiciability of timings of a train as- fixed by the railways and the maintainability of the petition.

15. It is the Government which regulates, controls and maintains the train services in the country. Its allocative efficiency, rather its failure, is called in question by this petition. Either there is too much or too little of inequality. The fact remains that the Govt. uses its power of compulsion to regulate and control train timings. The question posed before us in the nature of a preliminary objection "whether" a law oriented instrument like writ can be invoked in such a case?" While the Petitioner maintain that PIL plays a useful part in a pure legalistic system in dealing with inefficiency and inequality. The Respondents on the other hand have vehemently contended that the train services cannot be regulated by orders of the Court. This necessarily takes us to the Directive Principles of State Policy, as contained in the Constitution.

16. In its initial stage these directive principles were approached, considered and treated in a pure legalistic approach but there have been cases pointing to bold steps towards a social welfare concept of the State an era judicial activism giving new dimension to these directive principles. It is neither necessary nor desirable for us to trace the various gradual developments of law. Suffice it to note that Article 39(b) of the Constitution provides for equitable distribution of material resources. And this word "distribution" as used in Article 39(b) need to be liberally construed so as to give full and comprehensive effect to the mandate of equitable distribution as contained in Article 39(b) of the Constitution, lest a narrow construction of the term defeats or frustrates the very object which the Article seeks to achieve. We have travelled a long way from an era of pure legalistic approach to an era of judicial activism in the matter of interpretation of directive principles; but to my mind taking a pragmatic view of the matter with a live concern for realities of life, a harmonious construction and approach to Article 39(b) of the Constitution is not only called for but also desirable. The plea of justiciability and locus standi as has been raised by the Respondents appears to have been raised merely in the nature of a prudent question rather than a Constitutional one.

17. The question, therefore, necessarily falls for consideration is why should Respondents fail to provide a socially efficient and socially equitable distribution of the material resources namely the train services to the commuters. It is not merely a question of any particular region or State, it is the equitability of distribution of resources and that is what we are primarily concern with.

18. Adherence to a common social cause flows from commitment and understanding rather than obduracy and adamancy as displayed by the Respondents. We are fully conscious of this Court's limitations in such matters and can not substitute our own timings; but at the same time the allocative efficiency of timings, fixed by the Respondents and the reasons assigned by them for not fixing or rescheduling the timings so as to best serve the needs of the travelling public cannot be ignored. After all it is not a royal fiat, but an administrative action, which must be informed with reasons and fairness as has been pointed by the Celebrated American Judge Frankfurter, and quoted with

approval by the Supreme Court - Ramana Dayaram Shetty Vs. International Airport Authority of India and Others, The same has to be objectively tested in the light of reasons assigned by them. The truthfulness or varacity of these reasons can certainly be objectively tested and assessed in the light of admitted facts as placed on record. Let us therefore, first see the reasons assigned by the Respondents for not running the train at timings, the Petitioners pray for.

19. Following are the reasons assigned by the Respondents:

i) If any attempt is made to vary the arrival time of Awantika Express at Bombay Central before 11.20 a.m., the departure time from Indore will have to be reduced by the same number of hours and it will frustrate the very purpose of the Petitioners who claim that working hours should not be spent in journey from Indore to Bombay (see para "E" of the return).

It may be noted at this stage itself that the Petitioners have come out with a categorical statement at the Bar that they would not mind if the departure time of the train is reduced by 3 or 4 hours. As per return the train leaves Indore at 8.15 p.m. reaching Bombay Central at 11.20 a.m. thus taking 14 hours and 55 minutes as the journey time. In view of the categorical statement made by the Petitioners that in order to facilitate early arrival of the train at Bombay Central, they would not mind in reduction of time in departure of the train from Indore. The reason assigned by the Respondents is hardly of any significance. It is an objection taken for the sake of objection. It appears that this reason is assigned merely for the sake of assigning a reason. Neither in the petition there is any averment nor the Petitioners have during the course of argument shown any insistence for not varying the departure time if it would help in early arrival of the train at Bombay Central.

ii) Awantika Express has been declared as Super Fast Train from 1.1.93 as per Annexure P.5. Its fare has also been increased but without any corresponding advantage either by increasing the speed or/and by reducing the number of its halts at other intermediary stations. Thus having been declared as Super Fast train, its time can still be reduced without liking recourse to corresponding reduction in the departure time of the train from Indore, as suggested by the Respondents. This reason as assigned by the Respondent further exposes falsity of their stand.

20. While the- Petitioners' averment about the declaration of Awantika Express as a Super Fast train is admitted by the Respondents, who have further denied that it is without any corresponding advantage, as is evident from their return para 10. It is significant to note that the Respondents do not even remotely suggest as to what advantages accrue to the passengers by declaring the train as Super Fast train. They admit that super fast charges are being levied; but they do not controvert Petitioners' allegation that there has been any increase in speed nor any corresponding advantage. It follows, therefore, that there is no increase in speed nor any other facilities and the plea taken that early arrival of

the train at Bombay Central would necessarily require early departure of the train at Indore, is just taken as reason for reason's sake. No attempt is made to increase the speed and reduce the number of halts so as to reduce the total journey time; yet as admitted by the Respondents the super fast charges are being levied on the passengers.

21. It is significant to note that the Respondents have neither in their return, additional return nor the subsequent reply filed on 31st March, 93, disclosed that the speed of the Super Fast Awantika Express has been speeded up running time which ordinarily for a super fast train is 100-110 km. per hour and atleast on the same railway track between Nagda and Bombay Central where run such super fast trains as Rajdhani Express and the Frontior Mail if this Awantika Express as a super fast train is run on the same speed, the journey time can certainly be reduced atleast by an hour or so. But even that attempt has not been made by the Respondents.

22. The Petitioners have a grievance as regards both the timing as well as terminus; but we are presently concerned with the timings of Awantika Express.

23. It is not that the Railway Administration has no concern for timings, as per their own averments they claim to have a vital concern for train timings as averred in para 2 of the return.

of course the Railway Administration tries to fix the time, schedules of different routes in manner so as to be more convenient to the traveling public in general of the country.

If this is the concern, as expressed by the Respondents in their return, Petitioners contend that whenever suitable timings were demanded and suggested by them, the Respondents Railway Administration, instead of rescheduling the timings of Awantika Express allocated the same to the Rajdhani Express and the newly introduced Durgapur (Jaipur) Bombay Central Express, a fact not controverted. The Respondent also profess and plead that it is the sincere efforts of the railway administration that minimum possible lime is taken in journey (see para 3 of the return) but even alter having declared Awantika Express as Super Fast Train, its speed is no where increased.

24. It is in their reply filed on 31st March, 93 that the Respondents have come out with statement that there are 12 halts between Indore and Bandra terminus. So far so good but what about speed of the train after having declared it as super fast train? There is not a word about it, although as many as three replies/ returns have been filed by the Respondents from time-to-time. Even about the halts it , would not be out of place to note that while Jaipur-Bombay Central Express has only three halts between Ratlam and Bombay Central namely Godhra, Baroda and Surat; the Awantika Express declared Super Fast Train (only in name) halts at as many as six stations. Boriwal, a subarb of Bombay is not included in the calculation but both the trains halt there. Even between Nagda-Ratlam Awantika halts at Khachrod, hardly 14 kms. from Nagda. This is how the

super fast train is being run by the Respondents giving preference in both speed and halt to the Jaipur train.

25. The second imposing constraint as posed by the Respondents is that there is lack of clear path. According to them "prestigious" trains like Rajdhani Express and August Kranti Rajdhani Express arc run towards Bombay Central on hours as claimed by the Petitioners. Apart from these two "prestigious" trains there are four short distance passenger trains running on the track take a lion's share of line capacity alongwith other 60 goods trains between Virar and Church Gate section added to all this is a large number of local trains as many as 923 running round the clock on this section. It was, therefore, urged that the utilisation of line capacity is super statuated during morning peak hours. Whether all these reasons existed and meant only for Awantika Express? Asked the Petitioners were not they in existence while scheduling the timings of Jaipur Bombay Express? If they were really there, as the Respondents want us to believe then how come it that a newly introduced train from Jaipur could be allotted substantially the same timings and scheduled accordingly so as to reach Bombay Central at 7.55 a.m. This clearly exposes the shall ownness of the Respondents for not allocating suitable times to Awantika Express for which the Petitioner had been pressing hard over the years and years prior to the introduction of the new train.

26. Shri Jain argued that the halls provided for Awantika Express could not be minimised because of pressing demands of citizens of intermediary stations such as Dahod and Godhara in the backward district of Panchmahals in Gujrat. He invited attention to Anx. R. 1 dated 9.12.89 addressed to the then Railway Minister. This is again a pretext rather than any reason muchless a justifiable reason for not reducing the number of halts between Ratlam and Surat particularly after declaring Awantika Express a super fast train. This representation Anx. 1 as is evident from its subject was in respect of monthly season ticket holders seeking travelling facility in Pachhim Express 2925-2626 from Ratlam time table would go to show that such monthly season ticket holders are not permitted in Super Fast trains including Awantika Express. This simple exposes the fainty of plea taken and the shallowness of argument advanced by the Respondents.

27. The Petitioners had proposed timings for Awantika Express as per Anx. 10 which would not in any manner clash with the timing of any other train. But instead of allotting these running timings to Awantika Express the Respondents substantially allocated these timings to Durgapur (Jaipur) Bombay Central Express. Petitioners, therefore, submit that it is nothing but hostile discrimination to the people of Malwa Region. It would not be out of place to reproduce their contention and the Petitioners pleaded case as found in para 16 of the petition the reply thereto-

Para (16) - The Petitioners further submit that the AWANTIKA EXPRESS is the only superfast train which terminates at Bandra Terminus and is being overtaken

recently by Rajdhani Express and now likely by Jaipur (Durgapur) Bombay Central Express and this is clear cut case of hostile discrimination with this train (Awantika Express) and the citizens of Indore, and thus causes a great hardship. The Petitioners had also submitted a draft timetable for this train but the same has been disapproved and has been allotted to Rajdhani Express.

Reply to the above as contained in return filed on 15.2.93:

It is not correct that only AWANTIKA EXPRESS is being terminated at Bandra Terminus. As already stated above, other trains are being terminated at Bandra Terminus and some more trains are likely to be terminated at Bandra terminus instead of at Bombay Central. Full advantage will be taken while starting the train from Bandra terminus with increase number of coaches and the same was not possible while starting from Bombay Central. Other allegations are not correct and it is further submitted that the Draft time table submitted by the Petitioners could not be worked out or adopted for Awantika Express as it was conflicting to the timings of Rajdhani Express and other trains already running.

28. It may be noted that the Respondents have not in their earlier reply filed on 25.1.93 even attempted to controvert the Petitioners' case. It is only in the subsequent return filed on 15.2.93, that the above laconic plea is taken. Even here the Respondents even do not specifically controvert the averments and allegations made by the Petitioners. If the suggested timings were clashing with other running trains, how is it that Jaipur Bombay Central Express train could be allotted convenient timings substantially on the same time schedule as proposed by the Petitioners vide Anx. 10. The Jaipur Bombay train is sought to be distinguished on wholly untenable grounds. Such as its starting point being capital of the State. How does it matter and relevant so far as the clash of timings is concerned? The Petitioners have clearly spelt out the likelihood of discriminatory practice in relation to the train which was then (20.1.93 when the petition was filed) announced to be introduced and in fact introduced just ten days after the filing of the petition with very convenient running time, which the Petitioners were all along seeking for Awantika Express, but denied to them on flimsy and false grounds as clashing with other train timings. When it comes to Jaipur Bombay express the train can be accommodated and timings suitably adjusted but in case of Awantika Express clash of timings is projected as a reason rather than an excuse or pretext, the falsity of which stands fully demonstrated in the foregoing discussion. While it is true that Courts cannot substitute its own timings but the reasons assigned can always be examined and scrutinised on objective basis. Applying this test the reasons assigned by the Respondents apart from lacking in "rationale" fail to stand the test of varacity on objective basis.

29. It was argued by Shri Jain for the Respondents that people travelling from Indore by Awantika Express have convenient timings and connections at Nagda Ratlam and Khandwa situated at short distance from Indore. Therefore, they cannot insist for particular timings as desired in running the Awantika Express.

This need overlooks the need for a direct train.

30. This reasoning is palpably misleading while Nagda is 135 kms. from Indore, Sawai Madhopur is only 123 kms. from Jaipur, but without going into this distance with mathematical accuracy, it is significant to note that equal number of connections are available (perhaps more as some mail and Express trains do not halt at Nagda) at Sawai Madhopur for passengers intending to travel to Bombay from Jaipur region. Both these trains run on the same route from Nagda to Bombay and it is on this section and track-that the question of providing efficient timings to Awantika Express arises and needs consideration.

31. Just compare Anx. P.10 the proposed timings submitted on 17.3.89, with Anx. P. 6 the timings of Jaipur Bombay Central Express as announced by the Respondents they are substantially the same between Nagda and Bombay Central Stations. The apprehension as expressed by the Petitioners in para 16 of the petition, but not controverted by the Respondents, has proved to be true. The charge of discrimination as alleged stands fully substantiated.

32. Having set out to examine the reasons as assigned by the Respondents for not rescheduling the timings of Awantika Express so as to reach it at Bombay Central around 8 a.m. having examined the same, our inevitable conclusion is that the reasons as assigned have no substance, they are more and more of pretext or excuses rather than reasons advanced by the Respondents. Needless to add that it is the duty of the Respondents/ to allocate means and recourses efficiently and to provide a mechanism therefore, so as to serve the needs of the travelling public.

33. It is not merely allocating a train, but the allocative efficiency of its timings which matters and we may even at the cost of repetition, state that we are not in any manner substituting old timings but we are simply examining the reasons assigned by the Respondents for not allocating suitable timings. In view of the foregoing discussion we have no hesitation in holding that the reasons assigned by the Respondents for not allocating the suitable timings of the Awantika Express are non-existent and have advanced as mere pretext. The discriminatory conduct of the Respondents is amply made out.

34. As already noted above, the Petitioners' grievance is two-fold: the timings of Awantika Express as well as its terminus. The timings part of the petition, has been dealt with above. Coming to the question of terminus, this Awantika Express initially introduced used to terminate at Bombay Central; but of late, it is now terminating at Bombay Terminus. While Petitioners complaint of great deal of inconveniency and hardship to the passengers as a result of the train terminating at Bandra. The Respondents plead their inability to take the train to Bombay Central on account of non-availability of platform and terminal facilities and further aver that other trains are also being terminated at Bandra.

35. The Petitioners have come out with a categorical case that Awantika Express is the only super fast train which terminates at Bandra and no other super fast

train terminates at this terminal. The Respondents have avoided to controvert this specific fact as is evident from para 16, quoted above and its reply and grounds "B" and "C" as enumerated in para 17 of the petition. The Respondents in their reply have stated that apart from Awantika Express, four, other trains from Gujrat terminate at Bandra; they are Saurashtra, Sayaji, Badodara and Awadh Express. None of these trains is super fast train. It may be noted that between 5.30 a.m. to 8.05 a.m. as many as six trains coming from Baroda, terminate at Bombay Central; out of these six trains, only three are super fast trains, the rest Ahmedabad Janata Express, Gujrat Mail and Saurashtra Mail are not super fast trains.

36. While the Petitioners specifically plead that none of the trains terminates at Bandra Terminus is a super fast train. The Respondents do not controvert this statement and come out with an evasive answer showing that there are other trains also terminating at Bandra Terminus and painting of rosy pictures suggesting that a few more trains are likely to terminate at Bandra Terminus but so far no such trains terminate at Bandra. On the other hand Karnawati Express running between Ahmedabad and Bombay, as initially suggested to be terminating at Bandra, in fact terminate at Bombay Central as is evident from the current Western Railway time table in force.

37. The Petitioners have placed on record a Notification Anx. A/1 dated 23.6.92 to the fact that trains 2933 and 2934 alongwith Awantika Express terminate at Bandra terminus the said Karnawati Express terminates at Bombay Central. The other reasons assigned by the Respondents for not taking the train to Bombay Central is lack of platform facility. The Petitioners have placed on record a copy of the chart showing platform capacity of the Bombay Central showing its coach capacity as Annexure P. 7 to the petition, which has not been attempted to be contradicted by the Respondents except in a very vague and generalised manner saying that no clear path is available. The number of coaches is yet made an ground for not taking this train to Bombay Central Station. While other trains having larger number of coaches upto 21, are being taken to Bombay Central. It does not stand to reason as to why Awantika Express cannot be taken upto Bombay Central; attaching two more bogies to the train, as claimed to be added facility, extended to the travelling public of Malwa Region, and because of its large number of coaches the full train could not be taken upto Bombay Central. Delinking of coaches is a practice, known to the Railway Administration, if for the reason as claimed by the Respondents large number of coaches the full train cannot be taken upto Bombay Central, a-few of them say 2 or 3 can well be delinked either at Bandra and Dadar instead of terminating the train at Bandra Terminus. The reasons do not stand test of objective scrutiny; more so in face of the fact that dozens of other super fast trains are being admitted at Bombay Central Station during the hours the Petitioners claim the train to reach Bombay Central.

38. The Respondents have filed a Traffic Survey for Profiles of Passenger of

Awantika Express as Annexure R/2 in order to justify their not taking the train upto Bombay Central.

39. Shri Jain, basing his arguments on this document Anx. R/2 submitted that only seven persons out of 166 surveyed belonged to South Bombay destinations covered by Bombay Central. The break up given is as follows:

Colaba -3,

Kalbadevi-3,

Bombay VT--1.

40. Exfacie this so called survey report tailored for the occasion, is hardly of any avail to the Respondents. The following endorsement put on it by Sr. D.C.M. makes the position clear:

To Sr. DCM

The above information can be used during Court case on 18/2 as desired by DRM CC 436/1/1 Survey-IND-BCT dated 16.2.93

Sd/Sr. DCM 16/2

It is significant to note here that this petition was listed for further hearing and orders on 18.2.93. What is the value of such surveys conducted by the Respondents keeping in view the date fixed in the case as its basic purpose. Such selfserving Survey Report tailored for the occasion, hardly serve any purpose.

41. Apart from the above apparent infirmity, the survey, Anx. R/2, even factually cannot be acted upon as it is confined to barely 166 passengers and was conducted when the city of Bombay, in the wake of Ram Janm Bhumi episode was rocked with communal riots. It does not represent the true state of affairs and cannot, therefore, be acted upon.

42. A host of authorities as noted below were cited before us: State of Himachal Pradesh and Another Vs. Umed Ram Sharma and Others, Slate of Himachal Pradesh and Anr. v. Umed Ram Sharma Ors.

Rathod Bhimjibhai Masrubhai Rajput and Another Vs. The State of Bombay and Others, Puttulal v. GM N.E. Rail.

Pritam Singh Birring and others Vs. State of Punjab and others, Pritam Singh v. State of Pun

State of Tamil Nadu and others Vs. M/s. Sanjeetha Trading Co. and others, State of TN and Ors. v. Sanjeetha Trading Co.

D.L.F. Housing Construction (P) Ltd. Vs. Delhi Municipal Corpn. and Others, DLF Housing Con. Ltd. v. Delhi Municipal Corporation Considering the peculiar facts of the case at hand except for the general principles laid down therein, they are not of much avail as a precedent. We have kept in mind the principles as enunciated

in these decisions in our order.

43. In view of the foregoing discussion this petition deserves to be allowed, it is accordingly allowed with costs. The Respondents are directed to reschedule the lime table of Awantika Super Fast Express in such a way so as to reach Bombay Central around 8.00 a.m. The change in terminus of Awantika Super Fast Express, as at present, shall immediately take effect; but for rescheduling of time table of this train, considering some adjustment in its change, a month's time is granted to the Respondents for compliance of this writ so far as it relates to rescheduling of time. Counsel's fee Rs. 3,000/- (three thousand), if certified.