

(2014) 08 NCDRC CK 0074

In the National Consumer Disputes Redressal Commission

Station Superintendent Bhadrak Railway Station P.O.
Charampa, Distt. Bhadrak, Orissa

APPELLANT

Vs

H. Bokhari

RESPONDENT

Date of Decision : 28-08-2014

Acts Referred:

Citation : 2014 0 NCDRC 624 : 2014 4 CPJ 378

Hon'ble Judges : K.S.CHAUDHARI J.

Advocate : S.A.SATTAR

Judgement

1. THIS revision petition has been filed by the petitioner against the order dated 24.04.2013 passed by the Orissa State Consumer Disputes Redressal Commission, Cuttack (in short, "the State Commission ") in Appeal No. 892 of 2012 - Station Superintendent and Ors. Vs. H. Bokhari and Ors. by which, while dismissing appeal, order of District Forum allowing complaint was upheld.

2. BRIEF facts of the case are that complainants/respondents who are senior citizens booked their tickets for return journey on 5.3.2012 from New Delhi to Bhadrak by Nandankanan Express with waiting list nos. 165, 166 and 167, but their tickets could not be confirmed till 5.3.2012. It was further submitted that one Fazal Karim senior citizen booked one reservation ticket in the same train from New Delhi to Bhadrak for the same date after 10 days and got confirmed reservation. Complainants were forced to return on 5.3.2012 in standing position and suffered a lot physically and mentally. Alleging deficiency on the part of OP, complainants filed complaint before District Forum. OPs resisted complaint and submitted that in case of reservation not confirmed; complainants should have cancelled their tickets. It was further submitted that as three berths were not available in senior citizens quota and Fazal Karim was also senior citizen travelling alone, his ticket was confirmed as one berth was available and prayed for dismissal of complaint. Learned District Forum after hearing both the parties, allowed complaint and directed OPs to pay Rs.6,000/- as compensation. Appeal filed by the OP was dismissed by learned State Commission vide impugned order

against which, this revision petition has been filed.

3. NONE appeared for respondents even after service, but respondent no. 1 sent written submissions by post. Heard learned Counsel for the petitioner and perused record.

4. LEARNED Counsel for the petitioner submitted that in the light of Circular dated 26.8.2008, as Fazal Karim senior citizen was travelling alone and only one seat was available, he got confirmed ticket and as three seats in that quota were not available, complainants tickets could not be confirmed; even then, learned District Forum committed error in allowing complaint and learned State Commission further committed error in dismissing appeal; hence, revision petition be allowed and impugned order be set aside.

5. LEARNED District Forum and learned State Commission has based its judgment on the heading "Part confirm/RAC/Waiting List " of ""Trains at a Glance "" July, 2011 - June, 2012 at page 272 reads as follows: - ""If on one PNR there is more than one passenger and one passenger is having confirmed/RAC status and rest are on waiting list or vice -versa, names of all the passengers booked on such PNR will appear in the chart "".

6. ON the other hand, learned Counsel for the petitioner placed reliance on Circular No.CCM/24/Quota Policy/Pt. -1 dated 26.8.2008, which runs as under: ""Reference Railway Board 's letter of even number dated 18.04.2007 (Commercial Circular No. 40 of 2007) [Circulated vide this office circular number 83 ((THELAW))/2007] regarding Earmarking of Reservation Quota for women and senior citizens wherein instructions were issued regarding earmarking of combined quota of two lower berths per coach in Sleeper, AC -3 tier and AC -2 tier for following categories of passengers when traveling alone : - a) Sr. Citizens; b) Female passengers 45 years of age and above; c) Pregnant women. In para 3 of the instructions, it was indicated that this scheme may be implemented on an experimental basis for six months and a report may be sent after three months to enable a final decision being taken in the matter. Based on the feedback received from some Zonal Railways, the matter has been reviewed and it has been decided that the scheme of earmarking of combined quota of two lower berths per coach in Sleeper, AC -3 tier and AC -2 tier for the above mentioned category of passengers may be continued till further orders "".

7. PETITIONER S were bound by Circular dated 26.8.2008 according to which, certain seats were reserved for senior citizens travelling alone in sleeper and in other classes and as Fazal Karim, senior citizen was travelling alone, he was given confirmed ticket, though, booked after 10 days of obtaining tickets by the complainants which was in accordance with the aforesaid circular. Provisions shown in Trains at a Glance on which learned District Forum and learned State Commission have placed reliance is not applicable to the facts and circumstances of particular case. According to that heading if one of the passengers falls in confirmed or RAC status then names of other passengers in the same PNR are to

be shown on waiting list, but it does not mean that if more than one senior citizen is travelling on the same PNR, his ticket will be confirmed automatically, if there are less number of seats available in comparison to number of passengers in the same PNR. Petitioner has followed Circular dated 26.8.2008 and I do not find any deficiency on the part of petitioner and learned District Forum has committed error in allowing complaint and learned State Commission further committed error in dismissing appeal and revision petition is to be allowed.

8. CONSEQUENT LY , revision petition filed by the petitioner is allowed and impugned order dated 24.4.2013 passed by learned State Commission in Appeal No. 892 of 2012 - Station Superintendent & 2 Ors. Vs. H. Bokhari & 2 Ors. and order of District Forum dated 30.10.2012 passed in C.D. Case No. 44 of 2012 - H. Bokhari & 2 Ors. Vs. Station Superintendent & 2 Ors. are set aside and complaint stands dismissed with no order as to costs.