
(2004) 08 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

UNION OF INDIA, NORTHERN RAILWAY

APPELLANT

Vs

SATYA NARAIN SINGHAL

RESPONDENT

Date of Decision : 03-08-2004

Acts Referred:

Citation : 2004 0 NCDRC 30 : 2005 2 CPC 315 : 2005 2 CPR 112 : 2005 3 CPJ 50

Hon'ble Judges : K.S.GUPTA , B.K.TAIMNI J.

Judgement

1. MEMBER -Petitioner was the opposite party before the District Forum, where the respondent/complainant had filed a complaint alleging deficiency in service by the petitioner before us.

2. BRIEF facts of the case are that the respondent/complainant on 13.5.2000 purchased a ticket to travel by train Haryana Express from Rewari for Sarai Rohilla, Delhi and paid Rs. 29 as the fare. Since the distance between these two places is 78 kms. and there was more than 10 stops in route, hence according to the complainant this is a passenger train and he should have been charged the fare applicable for passenger train and not express train. Thus, alleging deficiency in service, a complaint was filed and the District Forum, upon critically analysing the material on record, brought in by the parties, directed the petitioner to charge the fare applicable for passenger train and also awarded a cost of Rs. 100/-. On an appeal being filed by the petitioner before the State Commission, it was dismissed both as being barred by limitation as well as on merits, hence this revision petition before us. We heard the learned Counsel for the petitioner and also perused the material on record. As argued orally and also the main plea in the memorandum of revision petition, the contention of the petitioner is that the consumer Forums do not have the jurisdiction to classify the trains as express or passenger trains. There was apprehension in the mind of the petitioner that this right rests with the Government and Railway Board. We have seen the operative part of the order passed by the District Forum. It has only directed the petitioner to retain only fare of passenger train charges and refund the difference between the passenger train and express train (Haryana Express)

as charged from the respondent/ complainant along with awarded cost of Rs. 100. At no stage, any direction has been passed by both the lower Forums below to classify or categorise any train as express or otherwise. The learned Counsel for the petitioner was candid enough to admit that they are willing to pay the directed amount. This alone is what has been directed by both the lower Forums. No other relief being sought, we see no merit in the order passed by both the lower Forums. The revision petition is dismissed. No order as to costs.