

(2009) 02 KAR CK 0007

In the Karnataka High Court

Case No : Writ Appeal No's. 1212 and 1213 of 2007

Union of India (UOI) and Others

APPELLANT

Vs

B. Jayaram and Others

RESPONDENT

Date of Decision : 16-02-2009

Acts Referred:

Constitution of India, 1950 — Article 12, 226
Railways Act, 1989 — Section 50, 51 (2)

Citation : (2009) 4 KarLJ 33

Hon'ble Judges : P.D. Dinakaran, C.J;K.L. Manjunath, J

Bench : Division Bench

Advocate : Subramanya, for Ashok Haranahalli Associates, for the Appellant;
X.M. Joseph, for Respondents-1 to 11 in W.A. No. 1212 of 2007 and for
Respondents-1 to 4 and 11 in W.A. No. 1213 of 2007 and K.S. Krishnappa, for
Respondent-3 in W.A. No. 1212 of 2007, for the Respondent

Final Decision : Allowed

Judgement

P.D. Dinakaran, C.J.—These two appeals are directed the against the orders dated 1st March, 2007 made in Writ Petition Nos. 44229 and 42358 of 2003 laid by the respondents herein respectively.

2. The respondents-writ petitioners in Writ Petition Nos. 44229 and 42358 of 2003 have sought for the following reliefs:

(a) Issue a appropriate writ/order/direction upon the respondents not to deny the petitioner before this Court the facility of First Class Season Ticket to travel between Mysore-Bangalore/Bangalore-Mysore which is within 150 kms. distance as permitted by the Indian Railway Administration all over India;

(b) Issue an appropriate writ/order to prohibit any of the respondents from citing the Rules of IRCA (Indian Railway Conference Association) mentioned in Annexure-E, dated 14-12-2000 and IRCA is neither the Railway Administration for State under Article 12 of the Constitution;

(c) In terms of Sections 50 and 51(2) of the Railways Act, 1989 permit the First Class Season Ticket holders (Upper Class Tickets) to travel by 2nd AC Chair Car (Lower Class Ticket) explained in Para No. 6 of this writ petition wherever/ whenever the First Class Accommodation is not available in trains run between Mysore-Bangalore-Mysore as permitted in all other sectors throughout India;

(d) To direct the respondents not to discriminate the petitioners (First Class Season Ticket Holding Commuters) the facility of travel by lower class in 2nd AC Chair Car between Mysore-Bangalore-Mysore when such facility is being permitted in other sectors like Bombay-Poona, Delhi-Agra, Baroda-Ahmedabad, Rajkot-Ahmedabad, Egmore-Trichi and in many other places of Punjab-Haryana, Bihar, West Bengal, Andhra Pradesh, Madhya Pradesh;

(e) Issue any other order/direction as deem fit and proper in the circumstances of the present case and to allow this petition with costs.

3. The grievance of the writ petitioners is that they having purchased First Class Season Tickets to travel from Mysore to Bangalore they are entitled to travel in Second AC Chair Cars, if First Class Compartments are not provided and no seats are available in First Class Compartment.

4. The terms of the season ticket itself provides that the season ticket holders are not permitted to travel in reserved coaches and trains governed by distance restrictions. If that be so, the petitioners/respondents herein have no right to seek a mandamus as prayed for. Therefore, the direction of the learned Single Judge, by his order dated 1-3-2007, to the Railway Department to provide sufficient budget to cope with the needs of the public in the region, in our considered opinion, is not only beyond the scope of the relief prayed for but also exceeds the power of judicial review conferred under Article 226 of the Constitution of India.

Hence the direction of the learned Single Judge in the impugned order dated 1-3-2007 is set aside. The writ appeals are, accordingly, allowed.