
(1992) 12 NCDRC CK 0035

In the National Consumer Disputes Redressal Commission

VISHVA BANDHU BAJPAI

APPELLANT

Vs

General Manager, Eastern Railway

RESPONDENT

Date of Decision : 29-12-1992

Acts Referred:

Citation : 1993 0 CPC 523 : 1993 1 CPJ 503

Hon'ble Judges : K.S.Varma , S.P.Goyal , Vidya Sonker J.

Final Decision : Appeal decided as indicated

Judgement

1. VISHVA Bandhu, Bajpai Kanpur has filed this Complaint against Railway Department in this State Commission.

2. IN the Complaint it has been stated that on 7.5.91, the Complainant got his reservation done from the opposite party by Rajhan Express train No. 2302 down for his journey from New Delhi to Kanpur and for this he was issued the ticket in question with wait list No. 6/5. The scheduled time of the departure of this train was 5.25 (p.m.) hours and the reservation list put-up on the platform showed the name of the Complainant for coach No. 5 under wait list. It is stated that at the time of departure of the train there was no concerned official of the Railway Department at the platform and that he (the Complainant) boarded the train in it's coach No. 5. It is stated that after 11/2 hours from the time of departure of the train Mr. Vishwas T.T.E. appeared in coach No. 5 and while checking the tickets-the ticket holder was told by the T.T.E. that the wait list ticket is not valid and he told the complainant that he cannot travel on a wait list ticket. The T.T.E. asked for payment of full amount for a fresh ticket and in addition the penalty amount was also asked for, failing which the Complainant was threatened for being taken to the police. IN the Complaint the Complainant has stated that the difficulties and the harassment that he experienced. It is stated that when he was taken to the police department, the Complainant had no alternative other than to pay the demanded amount to the T.T.E. and that an payment of Rs. 250/- to the T.T.E., the Complainant was issued receipt No. 931433 dated 7.5.91. IN the Complaint the Complainant has stated in details about the wrong action of

the Railway Department and the harassment and financial loss to which he has been subjected to and in the end of the Complaint following relief have been asked for by the Complainant:- (a) that the opposite party be directed to pay to him an amount of Rs. one lakh for mental and social damages and Rs. 205/- for the extra amount taken by the T.T.E. from him. (b) that the opposite party may be directed for making necessary arrangements at the New Delhi Railway Station at the time of departure of train so that the wait listed passengers be provided seats births a gainst the available vacant seats births without charging of extra amounts, The State Commission issued notice to the opposite party fixing the date of 24.12.91 but on that date nobody appeared on behalf of the opposite party (Railway Department). There has been no appearance on behalf of the opposite party even on subsequently fixed dates. In the end, the case was proceeded ex-parte in regard to the opposite party and arguments were heard as presented by the Complainant.

The narration of facts set-out above indicate that the facts stated in the Complaint are supported by affidavit dated 29.4.92, since the case has proceeded ex-parte against the opposite party that we have no counter version before us. The notice of Complaint was issued to the opposite party but for reasons test known to them they have not chosen to put in appearance before the Commission. We strongly deprecate this attitude of Railway Authorities.

3. THE facts that emerge from a perusal of the Complaint indicate that the Complainant booked ticket from Delhi to Kanpur but the ticket was in the waiting list. THE Complaint further indicates that when he entered the compartment he took a seat in the compartment which was vacant and his ticket related to seat in that compartment. THE Complaint of the Complainant is that after occupying the seat, and although the seat was vacant, ticket-collector told the Complainant that he is not entitled to occupy the seat. THERE is no evidence on record to indicate that the seat so occupied by the Complainant was reserved. On these facts the conduct in displacing the Complainant from the seat and to threaten to him and to hand over to police authorities was highly improper. THE existence on the party of Railway Authorities on purchase of another ticket is equally objectable. THE facts stated above indicate the high handedness of Railway Authorities. This attitude of the Railway Authorities cannot be but strongly, condemned. On account of the high handed manner in which the Complainant was dealt with by Railway Authorities we direct that a copy of this order be sent to the Chairman Railway Board for suitable action to be taken against the officer concerned.

4. WE accordingly direct the Railway Authority to return sum of Rs. 205/- as the additional price charged for another ticket and awarded Rs. 200/- by way of compensation latest by 15.1.93. The case is decided in the manner indicated above. Appeal decided as indicated.