

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, PALAKKAD**

Dated this the 3<sup>rd</sup> day February, 2026

Present : Sri.Vinay Menon V., President  
: Smt.Vidya A., Member  
: Sri.Krishnankutty N.K., Member

Date of Filing: 30/11/2024

**DC/563/CC/529/2024**

1. Parthasarathi T,  
S/o.Ramakrishnan,  
"Lakshmi", Kanniyampuram,  
Ottappalam, Palakkad-679 104.
2. Nirmala K.T,  
W/o.Parthasarathi T,  
Lakshmi, Kanniyampuram ,  
Ottappalam, Palakkad-679 104.
3. Aditya.T.P,  
S/o.Parthasarathy.T,  
"Lakshmi", Kanniyampuram,  
Ottappalam, Palakkad-679 104.  
(Party-in-Person)

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Complainants

**Versus**

1. Minsitry of Indian Railways,  
Rep. by its Secretary,  
Secretariate, New Delhi-100 001.
2. General Manager,  
Southern Railway GM Office,  
Chennai-Thiruttani-Renigunta High way,  
Annexe, George Town,  
Chennai, Tamilnadu-600 003.
3. General Manager,  
Palakkad Railway Division Office,  
Kozhikode-Palakkad High way,  
Kallekkulangara,  
Olavakkode, Palakkad-678 002.
4. General Manager,  
Salem Railway Division,  
Head Quarters, East Railway Colony,  
Suramangalam, Salem,  
Tamilnadu-636 302.

5. Railway Protection Force Quarters 7,  
Post office Road, Mullai Nagar,  
Suramangalam, Salem,  
Tamil Nadu-636 005.  
(OP 1to5 by Adv.G.Jayachandran)

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Opposite parties

### ORDER

**By Smt.Vidya A., Member**

1. First and second complainants are husband and wife and 3<sup>rd</sup> complainant is their son. They filed IA No.709/2024 an application under Section 35(1) (c) of the CP Act to permit them to conduct the case jointly and it was allowed. The 1<sup>st</sup> and the 2<sup>nd</sup> complainants booked tickets in Train No.16382 Kanyakumari-Pune Express for travelling from Ottaplam to Tirupati on 25.09.2023 through IRCTC official website. The journey was scheduled on 10.12.2023 and the complainant paid Rs.668/- towards booking of these tickets.

The 3<sup>rd</sup> complainant had booked ticket in the above mentioned train from Palakkad to Tirupati on 25.09.2023. It was reserved through the reservation counter of the Ernakulam Town Railway Station and Rs.315/- was paid towards ticket charge.

The 1<sup>st</sup> and the 2<sup>nd</sup> complainants were having confirmed tickets with seats allotted as seat No.49&52 in S2 compartment. The 3<sup>rd</sup> complainant was having a waiting listed ticket. He got his ticket confirmed on 10.12.2023 with seat No.27 in S6 compartment.

On 10<sup>th</sup> December 2023, the complainants boarded the train from Ottappalam and Palakkad at 6.01 pm and 6.27 pm respectively. It was found that many unreserved, waiting list and ticketless passengers had occupied the complainants confirmed seats. They thought that the TTE will help them in getting their confirmed seats back. But as the journey continued, the rush in the sleeper reservation compartment kept increasing and the passengers started to sit and lie down in the floor of the reservation compartment. By that time, the 3<sup>rd</sup> complainant went in search of the ticket examiner but the effort was in vain. The 3<sup>rd</sup> complainant could not find out any ticket examiner or any RPF personal.

When the train left Coimbatore Junction, the 3<sup>rd</sup> complainant registered a complaint through the Rail Madad Application. Thereafter he received a call from DSCR RPF Salem and enquired about the complaint. The 3<sup>rd</sup> complainant narrated the situation and the RPF team ensured that the complaint will be resolved once the train reaches Tiruppur or Erode; but no action was taken from their side.

By the time, the train reached Salem, the rush was at its peak. The 1<sup>st</sup> and the 2<sup>nd</sup> complainants who are senior citizens demanded lower berth for sleeping. After continuous demand, lower berth was made available to them. Many passengers were sitting near the leg side of them. The 3<sup>rd</sup> complainant's upper berth was also occupied by some ticketless passengers and it was made available to him after several demands. These people laid on the floor and under the lower berth of the reservation sleeper coach.

Thereafter, the 3<sup>rd</sup> complainant again filed a complaint along with photographs in the Rail Madad App. He got a reply that the matter is informed to the TTE concerned and RPF and they have arranged a staff at Jolarpettai Junction. By the time, the train entered the limits of Andhra Pradesh, the rush was at its peak. It was even very difficult for them to go to bathroom as the people were sleeping on the floor of the sleeper reservation coach. The complainants are consumers who have paid consideration for availing service from the 1<sup>st</sup> opposite party and it is their duty to ensure safe and comfortable journey. The opposite parties failed to provide proper service to the complainants. It is a clear deficiency in service on their part. Due to the acts of the opposite parties, the complainants suffered great mental agony and inconveniences. So, they approached the Commission for getting the following reliefs.

- a. To direct the opposite parties to refund Rs.983/- being the cost of the tickets together with interest.
- b. To pay Rs.75,000/- as compensation for their deficiency in service.
- c. To pay Rs.25,000/- as compensation towards the mental agony suffered by the complainant.
- d. To pay Rs.15,000/- as cost of the litigation.

2. The opposite parties entered appearance and filed version. The opposite parties in their version had stated that the complaint is bad for mis-joinder of necessary party. The Ministry of Indian Railways is an unnecessary party in the array. There are no such designated officers as mentioned in the complaint as 4<sup>th</sup> and the 5<sup>th</sup> opposite parties and they have to be removed from party array.

The opposite parties admitted the booking of the tickets by the complainants and their travel. The 1<sup>st</sup> and the 2<sup>nd</sup> complainants were having confirmed tickets with seat Nos.49 and 52 in S2 compartment and the 3<sup>rd</sup> complainant waiting list ticket got confirmed on 10<sup>th</sup> December 2023 and was allotted seat No.27 in S6 compartment.

The opposite parties stated that two ticket checking staffs were in the train from Ernakulam to Erode Junction and from Erode to Katpadi. Kanyakumari-Pune Express is not escorted either by RPF or by GRP over Palakkad Division. In fact, no complaint with regard to this incident was raised by the complainants to the concerned authorities of Palakkad Railway Division.

The 3<sup>rd</sup> complainant who was in S6 coach registered a Railmadad complaint with ref No.2023121008205 at 8.12 pm on 10.12.2023 wherein it was stated that "General Ticket' passenger were entered in S2 coach, no ticket checker came." The complaint was immediately forwarded to the Commercial control and security branch of Salem Division. TTE and RPF attended the S2 coach and removed the unauthorised passengers when the train stopped at Tiruppur and Erode Junction. Since the authority of ticket checking is restricted with commercial staff, the RPF cannot identify the unauthorised passengers. Even though the rule is that, the RPF had made an immediate due response to the grievance of the complainant and assisted the TTE to remove the unauthorised persons in the compartment.

The 3<sup>rd</sup> complainant once again registered a Railmadad complaint at 11.24 pm on 10.12.2023 wherein it was stated that S6 coach is having big rush of unreserved passengers making chaos and disturbing the sleeping passengers and ticket examiner have not come and checked the tickets. The complaint was immediately forwarded to

the commercial control and security branch of Salem Division. TTE and RPF attended the S6 coach and cleared the unreserved passenger at Jolarpett.

The complainants had availed the service provided by the opposite parties throughout their journey until they reached the booked destination. None of the passengers travelled in the train on 10.12.2023 lodged any complaint with regard to the incident as raised by the complainants. The complainant filed this complaint after one year of incident. If the alleged incident had caused severe sufferings, they would have filed the complaint earlier. They have taken a move at the later stage only to get monetary benefits from the opposite parties.

The opposite parties provided all the necessary services to all the on board passengers in the train. On receipt of two complaints registered by the complainant, necessary assistance were provided by the TTE and RPF staff. Hence, there is no deficiency in service on the part of the opposite parties. The complainants are not entitled to any compensation including refund of fare. So, they prayed for the dismissal of the complaint.

3. From the pleadings of parties, the following points were framed for consideration.
  1. Whether the complaint is bad for mis-joinder of unnecessary parties?
  2. Whether the staff of the opposite party failed to remove the unauthorised passengers who occupied the complainants reserved seats?
  3. Whether there is any deficiency in service or unfair trade practice on the part of the opposite parties?
  4. Whether the complainant is entitled to the reliefs claimed?
  5. Any other reliefs.
4. Complainant filed proof affidavit and Axts.A1 to A14 marked from their side. Marking of Exts.A1 to A14 are objected to as they are photocopies. Marking of Ext.A3 to A5 are objected as they are screenshots unaccompanied by Section 63 (4) BSA certification. Exts.A6 to A14 are objected as they are photocopies of undisclosed source. Objections are overruled as we are not bound by the strict rules of Evidence Act and the opposite parties have no case that they are forged or concocted. The opposite parties filed proof

affidavit and no documents were marked from their side. Evidence was closed and the complainants filed notes of argument.

**Point No.1**

5. The opposite parties in their version had contended that the complaint is bad for mis-joinder of unnecessary party. The Ministry of Indian Railways is an unnecessary party. Moreover, there is no such designated officers as mentioned in the complaint as 4<sup>th</sup> and 5<sup>th</sup> opposite parties.

The complaint is filed against the Railways for the sufferings and inconveniences suffered by the complainants during their journey. So the order, if any, will be pronounced against the officials of the Railway, who is responsible for the inconveniences only in their official capacity. Ministry of Indian Railways being the concerned Department, they are not unnecessary party to the proceedings.

**Points 2 to 5**

6. Complainant's case is that they have booked tickets for travelling in Train No.16382 Kanyakumari-Pune Express from Ottappalam to Tirupati on 10<sup>th</sup> December 2023. The complainants boarded the train expecting a safe and comfortable journey. But they found that many unreserved, waiting list and ticketless passengers occupying their confirmed reserved seats. Even though the complainants requested them to vacate their seats, they refused and directed to adjust elsewhere.

As the journey progressed, the sleeper compartment became increasingly overcrowded with people lying on the floor, under berths and on the side of their seats. The complainants tried to contact the ticket examiner and the Railway protection Force Personnel, but no such officers were found for their assistance.

7. The 3<sup>rd</sup> complainant registered a complaint through Railmadad Application. RPF Salem Team responded through phone assuring to resolve the issue at Tiruppur or Erode Station. No resolution was made and the complaint was closed without any action. Only after repeated requests and quarrels with the unreserved passengers, the 1<sup>st</sup> and the 2<sup>nd</sup> complainants who are senior citizens got the lower berths for sleeping.

8. The 3<sup>rd</sup> complainant again filed a complaint through the Application and got a reply with an assurance that staffs are arranged at Jolarpettai Junction; but no action was taken at that station or thereafter.

When the train entered Andhra Pradesh, overcrowding intensified making it impossible for them to access bath room facilities. Further, the passengers started sleeping under the lower berth of the 1<sup>st</sup> and the 2<sup>nd</sup> complainants which made them unsafe and uncomfortable.

9. In order to prove their case, the complainants marked 14 documents in evidence. Exts.A1&A2 are the printouts of the tickets. Ext.A4 is the screenshot of the complaint registered in the Rail Madad Application with reference No.2023121008205. Ext.A5 is the screenshot of the message showing that the complaint has been closed. Exts.A6 to A8 are the photocopy of the photographs showing the overcrowded situation in the train. Ext.A9 is the another complaint registered in the Rail Madad Application with Registratiton No.2023121010310. Ext.A10 is the screenshot of the reply stating that the matter is informed to the TTE & RPF control MAs and they have arranged staff at JTJ Station. Exts.A11 to A14 are the photocopies of the photographs showing the situation in the train and the passengers lying on the floor.
10. The opposite parties had stated that there were 2 TTEs each from Ernakulam to Erode Junction and from Erode to Katpapadi. The 3<sup>rd</sup> complainant who was in S6 coach registered a Rail Madad complaint with ref.No.2023121008205 at 8.12 pm on 10.12.2023. It was immediately forwarded to the commercial control by security branch of Salem division. TTE and RPF attended the S2 coach and removed the unauthorized passengers when the train stopped at Tiruppur and Erode Junction.

The 3<sup>rd</sup> complainant once again registered a Rail Madad complaint with Ref. No.2023121010310 at 11.24 pm on 10.12.2023 wherein it was stated that S6 is having big rush of unreserved passengers disturbing the sleeping passengers and the TTE have not come to check the tickets. The complaint was immediately forwarded to Commercial control of security branch of Salem Division. TTE & RPF attended the S6 coach and cleared the unreserved passengers at Jolarpet.

11. Even though the opposite parties had stated that they have cleared the unreserved passengers in the S2 and S6 coaches, they did not adduce any evidence to prove their contention. The opposite parties did not take any steps to examine the TTE or other staff to prove their contention that they have removed the unauthorised passengers immediately after receiving the complaints in the Rail Madad App.

The photographs produced Exts.A11 to A14 clearly shows the crowded situation in the coaches. In that situation, the passengers who booked their tickets cannot make a safe and comfortable travel. The opposite parties being the service providers are bound to make necessary arrangements for the passengers to ensure a safe and comfortable journey. They failed to ensure this and is a deficiency in service on their part and liable to compensate the complainant for that.

12. Since the complainants have completed their journey, we are not allowing the prayer to refund the ticket price. The complainants are entitled to get compensation for the deficiency in service on the part of the opposite parties and for the mental agony and inconveniences suffered by the complainant.
13. The complaint is allowed in part.

1. We direct the opposite parties 1 to 4 jointly and severally to pay Rs.50,000/- as compensation and Rs.25,000/- as cost of the litigation.

The above amounts are to be paid within 45 days of receipt of this order, failing which the opposite parties are liable to pay Rs.500/- as solatium per month or part thereof from the date of the order till the date of final payment.

Pronounced in open court on this the 3<sup>rd</sup> day of February, 2026.

Sd/-

VINAY MENON, PRESIDENT.

Sd/-

VIDYA A., MEMBER .

### Appendix

#### DOCUMENTS MARKED FROM THE SIDE OF THE COMPLAINANT:

Ext. A1: The true copy of the relevant ticket.

Ext. A2: Train ticket from Palakkad to Tirupat dated 25.09.2023.

Ext.A3: The true copy of the screenshot of the message confirming my seat.

Ext. A4: The system generated screenshot confirming the registration.

Ext.A5: The copy of the screenshot of the message declaring closing of Ext.A4, complaint.

Exts.A6, A7 & A8: Photographs showing crowded condition.

Ext.A9: The true copy of the screenshot of the confirmation of the registration of the complaint.

Ext.A10: The screenshot of the reply for Ext.A9 complaint.

Ext.A11: The true copy of the photographs showing passengers sleeping under the lower berth.

Exts.A12, A13 & A14: Other photographs showing the intensified crowd in the train.

DOCUMENTS MARKED FROM THE SIDE OF THE OPPOSITE PARTY: NIL

DOCUMENTS MARKED FROM THE SIDE OF THE COURT: Nil

WITNESS EXAMINED ON THE SIDE OF THE COURT: Nil

WITNESS EXAMINED ON THE SIDE OF THE OPPOSIT PARTY: NIL

COURT WITNESS: NIL

COST: 25,000/-

Manuscript prepared by me, transcribed by the Confidential Assistant and verified by me and found correct.

Dated this the 3<sup>rd</sup> day of February, 2026.

Sd/-

VIDYA A., MEMBER.

NB: Parties are directed to take back all extra set of documents submitted in the proceedings in accordance with Regulation 20(5) of the Consumer Protection (Consumer Commission Procedure) Regulations, 2020 failing which they will be weeded out.

rps/