

**In the Court of Tariq Masood Bhatti, District & Sessions
Judge/Presiding Officer, District Consumer Court, Bahawalpur**

Shabbir Ahmed Bhutta Vs General Manager Pakistan Railway etc

Case No. 3512/14

Date of Institution: 27/10/14

Date of Decision: 19/3/15

ORDER:

Briefly stated contention of claimant vide his instant petition is that he got reserved an “Air Conditioner Sleeper” of two seats in 16-Down, Karachi Express from Bahawalpur to Karachi. It is pertinent to mention that claimant is a “disabled person” regarding which “Necessary Assessment Certificate” issued by the “Medical Board” is attached.

Right from Bahawalpur to Karachi, water was not available in the attached “Wash Room” of Bogy No.12, Kuppa No. A, so claimant remained in trouble due to lack of water. He made complaint to the relevant Conductor, Guard and also got conveyed his complaint to the authorities through his messenger but needful was not done.

It is pertinent to mention that claimant is an Advocate Supreme Court of Pakistan but he was degraded by the respondents.

Respondents has provided “Faulty Service” which has caused annoyance and inconvenience to the claimant and he has to suffer mental agony for which he claims Rs.2,00,000/- as compensation alongwith return of his paid price of Kuppa of two seats.

Respondents contested the petition controverting the averments of the petition and deposed that water was available in the “Wash Room” and it was re-filled at Multan and no complaint was received from any other passenger, traveling in the said Train.

It was maintained that in fact, the “Wash Room” in Bogi No.12 was combined “wash room” for Compartment A&B but no complaint, whatsoever, was

received from the passenger traveling in Compartment-B. In the circumstances, petition merits dismissal.

Respondents have also annexed the replies on behalf of Conductor, Guard and Incharge Guard and other relevant staff with photocopies of their written statement in which the allegations were controverted.

Claimant has submitted his affidavit in support of his version as his evidence and attached copy of necessary notice issued by him, post office receipt, “disability certificate” and original tickets.

I have heard the arguments of Shabbir Ahmed Bhutta Advocate, claimant in person, and that of Syed Mujahid Ayyub Wasti Advocate on behalf of respondents and gone through the entire record and found that in light of the evidence so led by the claimant and brought on record by him, he was factually a disable/special passenger who opted to travel in the “dearest Compartment” simply because of the reason that he should reach his destination comfortably but how strange it is to observe that water was not provided in the attached Wash Room of Bogy No.12.

The arguments so advanced on behalf of learned counsel for respondents Syed Mujahid Ayyub Wasti Advocate that no complaint was received from any other passenger, is just irrelevant to rebut the contention of claimant which is supported with affidavit and documentary proof of his “disability” and traveling while on the other hand, no counter affidavit has been attached on behalf of respondents.

Keeping in view, the above mentioned circumstances, this forum is of opinion that “Faulty Service” has been provided by the respondents, so sum of Rs.25,000/- is hereby assessed as compensation for mental agony with return of price of two tickets in the tune of Rs.2940+2940. File be consigned.

Announced:
19.3.2015

(Tariq Masood Bhatti)
District & Sessions Judge/Presiding Officer
Consumer Court, Bahawalpur