

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
THIRUVANANTHAPURAM
CONSUMER COMPLAINT NO. DC/565/CC/471/2019**

Prasantha Kuamr P

PRESENT ADDRESS -

sreelekshmi,thoppumukku,ookkode,TrivandrumTHIRUVANANTHAPURAM,KERALA.

.....Complainant(s)

Versus

Southern Railway

PRESENT ADDRESS - park town ,chennai,Tamil nadhuTHIRUVANANTHAPURAM,KERALA.

.....Opposite Party(s)

BEFORE:

HON'BLE MR. SRI.P.V.JAYARAJAN , PRESIDENT

HON'BLE MRS. PREETHA .G .NAIR , MEMBER

HON'BLE MR. VIJU V.R , MEMBER

FOR THE COMPLAINANT:

Prasantha Kuamr P

FOR THE OPPOSITE PARTY:

Southern Railway

DATED: 21/07/2026

ORDER

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BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM

VAZHUTHACAUD, THIRUVANANTHAPURAM.

PRESENT

SRI. P.V. JAYARAJAN : PRESIDENT

SMT. PREETHA G. NAIR : MEMBER

SRI. VIJU V.R. : MEMBER

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C.C. No. 471/2019 (Filed on 21/12/2019)

ORDER DATED: 21/07/2026

Complainant:

Prasanthakumar.P, S/o Prabhakaran Nair, Sreelekshmi, Thoppumukku, Ookkode P.O,
Thiruvananthapuram-695020

(By Advs.Gadha.S.Nair & Pradeep Lal.S)

Opposite parties:

1. The General Manager. 1st Floor, NGO Main Building, Southern Railway, Park Town, Chennai,
Tamil Nadu, Pin-600 003.

2. The Divisional Manager, Thiruvananthapuram Division, Railway Divisional Office Buildig,
Thycaud, Thiruvananthapuram, Pin-695 014.

(By Adv.Abhishek.R.V)

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ORDER

SRI. VIJU V.R : MEMBER

The complainant has presented this complaint before this Commission under Section 12 of the Consumer Protection Act 1986. The brief facts of the case is that the complainant along with his family and his friend's family which consists of 10 members decided to visit Mookambika Temple for which the complainant had booked tickets to and fro through the online web site 'IRCTC RAIL CONNECT' on 08/10/2019. The complainant booked tickets for traveling from Trivandrum CNTL to Mangaluru CNTL in Malabar express on 01/11/2019 for a total fare of Rs.3,490/- and for return journey in train NZM TVC SF EXP on 03/11/2019 for a total fare of Rs.3,740/-. The ticket charges along with internet charges has been deducted from the complainant's account through four transactions. On 03/11/2019 the complainant along with his family and friends reached Mangaluru Railway station at 5.00 pm for their return journey to

Thiruvananthapuram and the complainant searched the application 'Where is my Train' for knowing the exact time when NZM TVC SF EXP (22634) will reach Mangaluru CNTL, and is shown as 5.40 pm. Till 5.30 pm no announcement was made about the NZM TVC SF EXP (22634) Train and the complainant enquired at the enquiry counter and came to know that the train timing has been changed without prior intimation to the passengers and the NZM TVC SF EXP (22634) Train left Mangaluru Station at 2.50 pm on 03/11/2019 ie; 2 hours 50 minutes before the schedule time. This rescheduling of time was not informed to the complainant who had booked the tickets in advance. The complainant reported the matter to the Station Master and asked in him to arrange alternative travel in some other train, but no action was taken by the Station Master. At last the complainant and other passengers took General class tickets in Antyodaya Express and started the return travel at 8.00 pm on 03/11/2019 after spending an amount of Rs.2,200/-. The act of the opposite parties 1 and 2 amounts to deficiency in service, hence this complaint.

2. The opposite parties 1 and 2 entered appearance and filed version. The opposite parties 1 and 2 has averred that the complaint is not maintainable either in law or on facts. The Railways run trains daily throughout India. During Monsoon season to adjust the running of trains due to poor visibility of signals, trains are run from 10th of June to 31st of October as per monsoon timetable. From 1st of November non-monsoon timetable comes into effect. Regarding the changes in the timetable the Railway usually give wide publicity in newspapers and dailies before the start of monsoons. Railways sends SMS messages to all passengers who had booked tickets about the scheduled departure time of trains from their respective stations. Time of Departure is not sent as a message to the passenger by IRCTC during the period of change of timetable. But a note to check Non-Monsoon Timetable from 01/11/2019 is given. This note to check the timings is printed on Computer Printed Reservation tickets and also sent to passengers who booked tickets online. The complainant has not checked the Non-Monsoon Timetable which had commenced from 01/11/2019. The complainant had checked an App named "Where is My Train" to check the timing and running status of 22634 Nizamuddin-Trivandrum Express. "Where is

"My Train" is a private app and not an App developed by Railways. The railway does not have any connection with the said App. The official app for travelers developed by Railways to keep them informed about updated train schedules is "NTES" (National Train Enquiry System). The complainant has not referred NTES to check the timings and running status of his train. Instead of the same he relied upon a private App which Railways does not have any connection. The complainant had relied on private app in view of which the difficulties occurred. There is no deficiency in service on the part of the opposite parties 1 and 2, hence the complaint may be dismissed with cost.

3. Issues to be ascertained:

- (i) Whether there is any unfair trade practice or deficiency in service from the side of opposite parties 1 and 2?
- (ii) Whether the complainant is entitled to get the reliefs?

4. Issues (i) & (ii): Both these issues are considered together for the sake of convenience. The complainant has filed proof affidavit in-lieu of chief examination and has produced 4 documents which were marked as Exts. A1 to A4. Ext.A1 series are the copy of the print outs of tickets booked through the online website. Ext.A2 is the mobile screen shot print outs of the payments. Ext.A3 is the mobile screen shot print out showing NZM TVC SF EXP (22634) will reach Mangaluru at 5.40 pm on 03/11/2019 in 'Where is my train'. Ext.A4 is the original second class tickets dated 03/11/2019.

5. The 2nd opposite party has filed proof affidavit in-lieu of chief examination for and on behalf of himself and for the 1st opposite party and has produced 3 documents which were marked as Exts.B1 to B3. The complainant and the opposite parties 1 and 2 filed argument notes. Ext.B1 is the copy of the Press Release given before the start of Monsoon Time table regarding the change of timings of trains during Monsoon Time table period. Ext.B2 is the a

newspaper article which was published in Mathrubhumi. Ext.B3 is the Newspaper article published in "Deepika", Trivandrum edition dated 20/05/2019.

6. On the perusal of Ext.A1 it can be seen that the complainant had booked ticket for 10 peoples for travelling from Mangaluru JN to Trivandrum CNTL on 03/11/2019 in NZM TVC SF EXP (22634). The complainant alleges that the departure time of the said train from the Mangaluru railway station was shown in 'Where is my Train' is at 5.40 pm. But the train has already left the Mangaluru station at 2.50 pm ie;2 hours 15 minutes before the scheduled time. The opposite parties 1 and 2 have contended that the complainant has not checked the non-monsoon timetable which had commenced from 01/11/2019. It is admitted by the opposite parties 1 and 2 that a note to check Non-monsoon timetable from 01/11/2019 is given to the complainant and also this note to check timings is printed on computer printed reservation tickets and also sent to passengers who booked tickets online. However, the opposite parties 1 and 2 have not produced any evidence to prove the same. Without adducing evidence before this Commission that they have intimated the passengers regarding the timings of the train they have booked cannot be accepted. Passengers have the right to timely and quality services and they shouldn't be the subject to the whims and fancies of the administration. The railways must provide valid reasons for the early departure of the train. If the public transportation has to survive, they have to improve the system and their working culture. Passengers cannot be at the mercy of the authorities. The non intimation of the early departure of the train from the scheduled time amounts to deficiency in service on the part of the opposite parties 1 and 2.

In the result, the complaint is allowed. The opposite parties 1 and 2 are jointly and severally directed to refund an amount of Rs.3,784/- (Rupees Three Thousand Seven Hundred and Eighty Four only) with 6% interest from 03/11/2019 and pay Rs.25,000/- (Rupees Twenty Five Thousand) as compensation for the mental agony sustained by the complainant and pay Rs.3,000/- (Rupees Three Thousand only) towards the cost of the proceeding with in one month from the date of receipt of this order failing which the amount except cost carries interest @ 9% per annum from the date of default till realization.

A copy of this order as per the statutory requirements be forwarded to the parties free of charge and thereafter the file be consigned to the record room.

Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in the Open Forum, this the 21st day of July 2026.

Sd/-

P.V.JAYARAJAN : PRESIDENT

Sd/-

PREETHA .G.NAIR : MEMBER

Sd/-

VIJU.V.R :MEMBER

VS

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DW1 - Jerin.G.Anand

IV OPPOSITE PARTY'S DOCUMENTS:

B1 - Copy of the Press Release given before the start of Monsoon Time table regarding the change of timings of trains during Monsoon Time table period.

B2 - Newspaper article which was published in Mathrubhumi.

B3 - Newspaper article published in "Deepika", Trivandrum edition dated 20/05/2019.

Sd/-
PRESIDENT

The parties are requested to collect the extra sets of the records within one month from the date of receipt of this order and in case of default, the extra sets shall be weeded out as per Regulation 20 of Consumer Protection (Consumer Commission Procedure) Regulations, 2020.

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SRI.P.V.JAYARAJAN
PRESIDENT

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PREETHA .G .NAIR
MEMBER

.....J
VIJU V.R
MEMBER