



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 13<sup>TH</sup> DAY OF DECEMBER, 2023**

**PRESENT**

**THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR JUSTICE KRISHNA S DIXIT**

**WRIT PETITION NO. 24457 OF 2022 (GM-RES)**

**BETWEEN:**

INDIAN RAIL MAZDOOR UNION  
SOUTH WESTERN RAILWAY,  
NO. 34/B, STATION ROAD, HUBBALLI,  
DHARWAD DISTRICT - 580 020.  
REP BY ITS GENERAL SECRETARY  
P RAVINDRA NAIDU,  
AGED ABOUT 45 YEARS,  
S/O LATE P BHASKAR NAIDU,  
135/A, GADAG ROAD,  
NEAR RAILWAY WORKSHOP,  
KESHWAPURA, HUBBALLI,  
DHARWAD DIST 580 020  
AADHAR NO. 9004 9794 3960  
VOTER ID NO. AUN4384236  
PAN NO. BBTTP0475P  
CELL NO. 9964822844, 7428225736  
EMAIL ID hubballitiger@ gmail com



...PETITIONER

(BY SRI. P RAVINDRA NAIDU, PARTY IN PERSON-ABSENT)

**AND:**

1. THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER  
RAILWAY BOARD, MINISTRY OF RAILWAYS  
RAIL BHAWAN, NEW DELHI 110 001.



2. THE GENERAL MANAGER,  
SOUTH WESTERN RAILWAY,  
RAIL SOUDHA, GADAG ROAD,  
HUBBALLI 580 020.  
DHARWAD DISTRICT.
3. PRINCIPAL CHIEF OPERATION MANAGER  
SOUTH WESTERN RAILWAY,  
RAIL SOUDHA, GADAG ROAD,  
HUBBALLI 580 020.  
DHARWAD DISTRICT.
4. PRINCIPAL CHIEF PERSONNEL OFFICER,  
SOUTH WESTERN RAILWAY,  
RAIL SOUDHA, GADAG ROAD,  
HUBBALLI 580 020.  
DHARWAD DISTRICT.
5. DIVISIONAL RAILWAY MANAGER,  
SOUTH WESTERN RAILWAY,  
HUBBALLI DIVISION,  
OFFICE OF THE DRM COMPOUND,  
KESHWAPURA, HUBBALLI 580 020.  
DHARWAD DISTRICT.
6. DIVISIONAL RAILWAY MANAGER,  
SOUTH WESTERN RAILWAY,  
BENGALURU DIVISION,  
KSR BENGALURU RAILWAY STATION,  
BENGALURU 560 001.
7. DIVISIONAL RAILWAY MANAGER,  
SOUTH WESTERN RAILWAY,  
MYSURU DIVISION,  
OFFICE OF THE DRM COMPOUND,  
MYSURU RAILWAY STATION,  
MYSURU 570 001.

...RESPONDENTS

(BY SRI. UNNIKRISHNAN M.,ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
ISSUE A WRIT OF MANDAMUS OR ANY OTHER ORDER OR



DIRECTION, TO RESPONDENTS AS 1. TO TAKE FIRM AND PRAGMATIC ACTION ON THE PERSONS RESPONSIBLE FOR MISAPPROPRIATION OF GOVERNMENT MONEY MADE IN CONNECTION WITH ILLEGAL OPERATION OF SPECIAL TRAIN SHALL BE TAKEN UP UNDER AMBIT OF SUSPENSION CIRCULAR ISSUED BY DEPARTMENT OF PERSONNEL AND TRAINING UPDATED CIRCULAR ISSUED ON 04/11/2022 VIDE ANNEXURE-M AND 2. TO INITIATE THE PROCESS TO RECOVER THE FINANCIAL DAMAGE FOR MAKING LOSS TO PUBLIC FUNDS FROM THE POCKETS OF THE PERSONS ACCOUNTABLE FOR MOVING SUCH ILLEGAL SPECIAL TRAIN AND ALSO FROM THE BENEFICIARIES WHO HAVE MISUSED THE SPECIAL TRAIN AND 3. PASS ANY SUCH OTHER FURTHER ORDERS.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

**ORDER**

In spite of repeated calls, Petitioner party in person is absent.

2. This Petition is filed in this Court under the caption of 'PIL' and the petitioner claims to be the General Secretary of Union known as 'Indian Railway Mazdoor Union'. The prayers made therein read as under:

*"1. to take firm and pragmatic action on the persons responsible for misappropriation of government money made in connection with illegal operation of special train shall be taken up under ambit of suspension circular issued by Department of Personnel and Training, updated Circular issued on 04-11-2022.*



*2. to initiate the process to recover the financial damage for making loss to public funds from the pockets of the persons accountable for moving such illegal special train and also from the beneficiaries who have misused the special train."*

3. On perusal of the Petition papers and the material annexed to the same, we are of the clear opinion that Petition is presented only on assumption, presumption and self impressions of the Petitioner. When the Petitioner approached this Court with a prayer for initiation of an action against wrong doer, firstly if the action is covered under any misdeed of the provisions of IPC 1860, the Petitioner is not prevented from approaching the appropriate agency by lodgement of a report; no such material is placed on record to suggest that at least a preliminary enquiry was conducted by any authorized agency to form a *prima facie* opinion that Mr. X or Mr. Y was responsible for the misappropriation of the Government money if at all there was any, in connection with illegal operation of special train.



4. Again the petitioner who claims to be the Secretary of Indian Rail Mazdoor Union is not prevented from taking up the grievance with the competent authority of Railways to initiate a departmental action or the like against the erring officials. Now the material placed on record is only by way of some General Rulings passed in the conferences of employees and there is absolutely nothing on record to show that a particular competent authority is approached with a specific grievance in the form of an application/representation. The Petitioner only annexes certain Circulars and Resolutions of the Conferences. All that will not further the cause. Thus, in our opinion, the Petition falls too short to take cognizance by this Court in PIL jurisdiction in the settled principles laid down in a catena of decisions rendered by the Apex Court and several High Courts in the country. This Court cannot entertain a truncated petition of the kind only because somebody is filing it in this Court under the caption of Public Interest Litigation.



In view of the above, this petition being thoroughly devoid of merits, deserves to be and accordingly is dismissed, costs having been made easy.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

Bsv  
List No.: 1 SI No.: 15