

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 27 OF 2007
ALONG WITH
PUBLIC INTEREST LITIGATION NO. 6 OF 2014

India Centre for Human Rights and Law
and Others.

.. Petitioners

Vs

Union of India and Others.

.. Respondents

—

Ms. Gayatri Singh, Senior Counsel along with Ms. Meenaz Kakadia i/b
Mihir Desai for the Petitioners.

Shri Suresh Kumar for the Respondent No.2 in PIL No.27 of 2007 and
for the Respondent No.1 in PIL No.6 of 2014.

Shri B.B. Sharma, AGP for the Respondent No.4 in PIL No.27 of 2007.

Ms. Trupti Puranik for the Respondent BMC in both the PILs.

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CORAM : A.S. OKA & P. D. NAIK, JJ

DATED : 7TH APRIL 2016

PC.

1. As directed earlier, Shri G.C. Agarwal, General Manager of the Western Railway has filed an affidavit dated 6th April 2016. The undertakings on oath of Shri L. Nageshwar Rao, Senior Divisional Engineer (Estate/South) Mumbai Central, Shri Rama Kant Gupta, Senior Divisional Signal & Telecom Engineer, Shri Suresh Kumar D. Agarwal are annexed to the affidavit of Shri G.C. Agarwal. Paragraph 3 of the said affidavit of Shri C.G. Agarwal reads thus:

“3. I further say that the work of raising of platform and other PWD facilities work involve extensive labour work, which can be undertaken during night and non-peak hours. I further say that after considering

multiple issues, a workable target for each work was fixed and accordingly a detailed affidavit of Shri L. Nageshwar Rao, Sr. DEN (Estatge/South), Mumbai Central was filed before this Hon'ble Court on 31.03.2016.”

2. In Paragraph 5, he has given an assurance that he will personally monitor the progress and ensure that the target given to the Divisional Officers is complied with. Various undertakings fixing the time-line have been incorporated in the undertakings of Shri L. Nageshwar Rao, Shri Rama Kant Gupta and Shri Sureshkumar D. Agarwal. We accept the undertakings.

3. Similarly, Shri Sunil Kumar Sood, the General Manager of the Central Railway has filed an affidavit dated 7th April 2016. He has set out the names of the officers who are responsible for carrying out the works mentioned therein. The affidavits of Shri S.P. Kulshreshtha, Senior Divisional Engineer (Estate), Shri R.K. Chouve, Senior Divisional Electrical Engineer (General) and Shri Janardhan Singh, the Divisional Signal & Telecom Engineer of the Central Railways are annexed to the affidavit of Shri Sunil Sood. The learned senior counsel appearing for the Petitioners pointed that in the said affidavits, there is no reference to the outer limit fixed for the purposes of execution of the works of ramps at the entry of Stations as well as tactile tiling along the platforms. We direct the concerned officers on whom, a responsibility has been fixed to file an additional undertakings setting out the time-

line for completing the said work. Additional affidavit shall be filed within a period of two weeks from today.

4. The affidavit of Shri Sunil Kumar Sood, General Manager of the Central Railway takes care of all disputes between the Central Railways and the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) as regards the facilities at 14 railway stations which are maintained by the CIDCO. Now there is an undertaking that the work at these 14 stations shall be undertaken by the Railway Administration.

5. As reflected from the earlier orders, this Court was required was to issue several directions including the direction for raising height of the platforms on the suburban Railway Stations after noticing that the lower height of the platforms has led to several accidents.

6. The Government of India through its Ministry of Railways by letter dated 6th June 2013 has circulated revised guidelines on “passengers amenities for passengers/persons disabilities”. Needless to add that the undertakings which are tendered today will have to be read with the provisions of the said revised guidelines and the compliance will have to be made by the Railways in terms of the said guidelines.

7. We may also clarify that the successors of the officers who have tendered the undertakings will be bound by the same undertakings. Before the successors of the officers assume charge of their respective posts, they shall be informed about the undertakings which are filed on record.

8. In the affidavit of Shri Sunil Kumar Sood, the General Manager of the Central Railways, it is stated that the verification of stolen SS Hand Railing to staircase of foot over bridges has been initiated and it will be ensured that the hand rails which are missing will be provided by 30th April 2016.

9. The undertakings which are tendered on record take care of the grievances made in the Petitions at least at present. To ensure that the undertakings are abided by, the matters will be listed on board after a gap of every three months so that this Court can monitor the compliances with the undertakings and the compliances with the said revised guidelines.

10. Firstly, the Petitions shall be listed on 5th May 2016 under the caption of "Directions". By that date, a compliance affidavit shall be filed as regards the compliance with the statements made in Paragraph

1.5 of the affidavit of Shri Sunil Kumar Sood. The workers of the Petitioners are free to inspect the facilities in terms of Paragraph 1.5 of the said affidavit.

11. We make it clear that in the event the Petitioners find that the undertakings and the assurances are not being abided by, it will be always open for them to move the Court for issuing appropriate directions.

12. At this stage, the learned counsel representing the Central Railways states that due to the ongoing dispute, as the CIDCO is not taking action, the Central Railway is required to carry out work at 14 stations. To that extent, earlier observations made in the order stand clarified. We direct that the CIDCO shall render every possible help to the Railways to carry out work at 14 Railway Stations in terms of the revised guidelines.

13. Stand over till 5th May 2016.

(P. D. NAIK, J)

(A.S. OKA, J)