



coal movement was mentioned in Category C priority and priority E would include non-sponsored coal. Subsequently by proceedings dated March, 1, 1989 the Railways modified its earlier scheme and issued general PTS Order No. 77 with effect from April 1, 1989 under which priorities were re-determined. It would appear that subsequently non-priorities coal item E was deleted from the priority scheme. When the respondents and others challenged its validity on the anvil of Art. 19(1)(g) of the Constitution, the Division Bench of the High Court without disturbing the validity of the order had given direction observing that after all the priorities enumerated in the scheme are exhausted and if the wagons remains unutilised, the wagons may be kept at the disposal of non-priority articles for carriage. Thus this appeal came to be filed by special leave.

It is seen that in order No. 75 priorities A to E were made which included sponsored coal within the meaning of the order and non-sponsored coal within the meaning of the order and non-sponsored coal provided in priority E for allotment of wagon. With regard to non-priority item E, it subsequently deleted as mentioned in paragraph E of the special leave petition which reads as "the Order No. 77 relates to PTS for allotment of wagons which came into force from 16.7.86, but non-sponsored coal referred to in priority E of PTS No. 75 was removed". It would thus be seen that non-priority coal came to be removed from the priorities mentioned in Items A to E. Therefore, the High Court obviously was of the intention to direct that if after the wagons allotted for movement to priority articles remained available, the same may be allotted for non-priority articles for carriage. We do not think that there is any impediment in the way of administration to give such allotment, instead of keeping them idle. It would be in commercial interest of the Railway administration.

The appeal is accordingly disposed of. No. costs.

R.P.

Appeal disposed of.