

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.411 of 2014

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1. Israt Parveen @ Guriya wife of Late Md. Haroon.
 2. Masoom Raj S/o Late Md. Haroon through his natural guardian and mother Israt Parveen, Resident of vill.-Baisakhi, P.O.-Hardia, P.S.-Pachrookhi, District-Siwan.

.... Appellant/s

Versus

Union of India Through General Manager, East Central Railway, Hajipur

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Bajarangi Lal, Adv.

For the Respondent/s : Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 09-10-2015

Heard learned counsel for the appellants as well as

learned counsel for the respondent.

The controversy in hand happens to be such in nature that could be decided at the stage of admission itself. That being so, with the consent of respective learned counsels the matter is being disposed of.

Learned counsel for the respondent is fair in conceding that up till 2007 the tribunal was not presided over and on account thereof, virtually was non-functional. Therefore, after having presence of Chairman as well as member, the parties should have been noticed wherefrom they could have acknowledged regarding functioning of the tribunal. On that score, some sort of lapses have been perceived and in the aforesaid background, dismissal of OA/OC/MA No.-OA (MA) 0025/2004 for default would not have. That being so, the prayer for restoration as declined by the order impugned dated 16.04.2014 under OA/OC/MA No.-MA (Restoration) 004/2014 by the Railway Claim Tribunal, Patna Bench happens to be too technical and conservative.

That being so, the order dated 16.04.2014 passed by
the learned Tribunal is set aside. Petition is allowed.

(Aditya Kumar Trivedi, J.)

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