

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3041 of 2015

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Northern Railway, through the General Manager, Northern Railway, Baroda House,
Delhi

.... Petitioner

Versus

Kaushal Kumar Biswas, S/o Shri Parmeshwar Bishwas, resident of village Kathaili,
P.S. Jalagarh, District - Purnea, Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Brijesh Kumar Shukla,
Mr. Anil Kumar Sinha, Advocate

For the Respondent:

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-03-2015

Railway Claims Tribunals are established for the exclusive purpose of determining the claims submitted, in relation to any untoward incident or the damage to goods entrusted to Railways for transport. For all practical purposes, the proceedings before the Tribunal are akin to the suits for recovery of the amount or claims for compensation under the Motor Vehicles Act. There would not be any scope for scrutinizing the administration of the Railways, muchless to exercise powers under Contempt of Courts Act. If the claim in the Original Application is not properly resisted or defended by the Railway Administration, the Tribunal is free to draw its own conclusion and inferences and to pass orders in the claims.

2. This writ petition is filed challenging the order dated

29.01.2015 passed by the Railway Claims Tribunal, Patna in O.A. No. 48 of 2004. The O.A. in turn was filed by the sole respondent herein, claiming a sum of Rs.4,00,000/- on account of death of his wife in untoward incident.

3. For one reason or the other, Original Application was pending for the past one decade and active consideration of the matter began only in September, 2014. The Tribunal passed an order directing personal appearance of the General Manager of the Northern Railway, the appellant herein on 29.01.2015. On that day, an application was filed on behalf of the appellant herein through the Deputy Chief Commercial Manager (Claims) Northern Railway with request to dispense with his personal appearance. The Tribunal passed the order dated 29.1.2015 issuing several directions and making adverse comments against the appellant and other officers. A direction was issued for deduction of Rs.2000/- from the salary of the Deputy Chief Commercial Manager (Claims), Northern Railway. Several observations and comments were made against the appellant herein. Feeling aggrieved by the said order, the present writ petition is filed.

4. We passed an order on 24.02.2015 staying the proceedings, and directing the Registrar of the Tribunal to furnish information on certain aspects. The Registrar in turn addressed a

letter dated 04.03.2015 to the Registrar General of the High Court, and furnished some information.

5. Heard Mr. Brijesh Kumar Shukla, learned counsel for the appellant.

6. We take serious exception to the manner in which the Tribunal conducted the proceedings in the O.A. The very purpose of constituting a Tribunal was to ensure that the claims of the claimants are disposed of at the earliest. By any standard, a period of ten years during which the O.A. was pending, cannot be justified. The Tribunal was expected to speed up the disposal by making extra efforts.

7. In case the appellant, who figured as respondent in the Original Application, did not file any counter or any satisfactory reply, the Tribunal could have passed the order on merits and disposed of the O.A. itself. Neither any evidence was recorded nor any further steps were taken. It has passed the order under appeal which does not at all fit into the mechanism of adjudication of the disputes by the Tribunal. Ignoring the fact that he is only heading a Tribunal, the Presiding Officer appears to have felt that he is the ultimate Supervisory Authority vested with the powers to pass any order of his choice. We do not approve such an exercise.

8. We accordingly, allow the writ petition and set aside

the order dated 29.01.2015 passed by the Member (Technical),
Railway Claims Tribunal, Patna Bench, Patna in O.A. No.48 of 2004.
We direct the Tribunal to take up the O.A. and decide the matter
without any further delay and not to indulge in such practice in other
cases. There shall be no order as to costs.

9. The interlocutory application, if any, shall stand
disposed of.

(L. Narasimha Reddy, CJ)

AFR

B.T/-

(Vikash Jain, J)

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