

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.350 of 2014

Binu Devi

.... Appellant/s

Versus

The Union of India Through The General Manager, E. Railway, Kolkata

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Kumod Kumar Shrivastaw

For the Respondent/s : Mr. Mahesh Prasad

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

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14-09-2015

Heard learned counsel for the appellant as well as representing Union of India through the General Manager, Eastern Railway, Kolkata.

Appellant has filed claim case before the Railway Tribunal, Patna Bench bearing OA/TA No. OA9900297 which was dismissed for default on 15.10.2008 and its restoration, bearing M.A. (Rest.) No.059/2008 has also been rejected vide order dated 26.02.2014, the subject matter of instant appeal. Keeping the restoration petition pending since 2008 is circumstance which necessitate interference at the present stage itself apart from fact that from the certified copy, it is evident that bench was not functioning properly for a quite long period and on account thereof, it was incumbent upon the Bench to have secured presence of appellant / applicant while functioning smoothly.

That being so, the successive orders are set aside.
Appeal is allowed.

(Aditya Kumar Trivedi, J)

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