

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 196 OF 2015

Vishwanath S/o Gopinath Gadekar,
Age : 52 years, Occu : Labourer,
R/o : Ulkhalgaon, Tq. : Shrigonda,
Dist. : Ahmednagar .. Appellant

Versus

Union of India,
Through General Manager,
Central Railway,
Chatrapati Shivaji Terminus,
Mumbai .. Respondent

WITH

FIRST APPEAL NO. 198 OF 2015

1. Gangai S/o Saukhi Mahto,
Age : 52 years, Occu : Labourer,
2. Sushiladevi W/o Gangai ;Mahto,
Age : 45 years, Occu : Housewife,
Both R/o : Village & P. O. Rajnagar,
District Madhubani (Bihar),
Presently Residing at
District Jalgaon .. Appellants

Versus

Union of India,
Through General Manager,
Central Railway,
Chatrapati Shivaji Terminus,
Mumbai .. Respondent

WITH

CIVIL APPLICATION NO. 5573 OF 2015

IN FIRST APPEAL STAMP NO. 8101 OF 2015

1. Harishchandra S/o Mulchand Purvar,
Age : 45 years, Occu : Labourer,
R/o : Nitin Motilal Dhobi, Opp. Gram Panchayat,
Vishnu Chowk, Nashirabad,
Tq. and Dist. : Jalgaon (MS)
2. Shanti W/o Harischandra Purvar,
Age : 40 years, Occu : Hosewife,
R/o : Nagod, District : Satana (M. P.) .. Applicants

Versus

Union of India,
Through General Manager,
Western Railway, Churchgate,
Mumbai .. Respondent

WITH**CIVIL APPLICATION NO. 11422 OF 2015****IN FIRST APPEAL STAMP NO. 8103 OF 2015**

1. Bapu S/o Namdeo Patil,
Age : 55 years, Occu : Labourer,
2. Latabai W/o Bapu Patil,
Age : 50 years, Occu : Housewife,
Both R/o : Ravi Chaudhari, "Pitru Chaya",
Opp. Ujjwl Sprouter Internhational School,
Adarsha Nagar, Jalgaon,
Dist. : Jalgaon
3. Sandip Bapu Patil,
Age : 20 years, Occu : Nil,
R/o : Pandit Nagar, CIDCO,
Morwadi, N – 41, B. B. 2, 12 / 11,
Tq. and Dist. : Nashik .. Applicants

Versus

Union of India,

Through General Manager,
Western Railway, Churchgate,
Mumbai

.. Respondent

WITH
CIVIL APPLICATION NO. 11423 OF 2015
IN FIRST APPEAL STAMP NO. 8099 OF 2015

1. Shantaram Hilal Borse (Patil),
Age : 35 years, Occu : Rickshaw Driver,
 2. Rukhmabai Hilal Borse (Patil),
Age : 60 years, Occu : Nil,
 3. Ratnabai Gulabrao Patil,
Age : 42 years, Occu : Nil,
All R/o : Darkheda, Tq. : Shindhkheda,
Dist. : Dhule (M. S.)
- .. Applicants

Versus

Union of India,
Through General Manager,
Western Railway, Churchgate,
Mumbai

.. Respondent

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Shri V.B.Madan, Adv. For appellants
Shri M.N.Navandar, Adv. For respondents

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CORAM : S.V.GANGAPURWALA, J.

DATED : 28TH SEPTEMBER, 2015

ORDER :-

1] In all these matters, the present appellants had filed applications for compensation before Railway Claims Tribunal

seeking compensation. Alongwith said applications for compensation they had filed applications for condonation of delay. The applications for condonation of delay are rejected. Aggrieved thereby, the present appeal.

2] Mr.Madan, learned counsel for the appellants submits that the grounds put forth by the present appellants for condonation of delay has not been considered at all by the tribunal. The tribunal has rejected applications without applying its mind in correct perspective and without considering the reasons put forth in the applications. The learned counsel submits that the applicants are poor labourers who are coming from lower class of the society. Much time was lapsed in getting the documents so also contacting the advocate. They were not aware of where the applications are to be filed. All these aspects were put forth in the applications. Still the same has not been considered at all. No reasons are given by the tribunal while rejecting the applications.

3] Mr.Navandar, learned counsel for respondents submits that the applications were vague, no details were given. The applications did not come within the ambit and manner of sufficient cause, as such, the tribunal has rightly rejected the said applications, no error has been committed by the tribunal by rejecting the said applications.

4] With the assistance of learned counsel, I have gone through the order. Perused the grounds put forth in the applications. The tribunal while exercising power under the statute, was considering the applications under beneficial legislation. If the applications were to be rejected, reasons were required to be given. The reasons depict the application of mind of the authority passing the order. The reasons are one of the important concomitants of the principles of

natural justice. The impugned order lacks any reasons. Such an order cannot be sustained. In the light of above, impugned orders are quashed and set aside. Parties are relegated before Railway Claims Tribunal. The Railway Claims Tribunal shall decide applications filed by present applicants for condonation of delay afresh and consider grounds put forth by the present applicants and while deciding the said applications, shall give reasons. The parties shall appear before the concerned Tribunal on 26/10/2015. First Appeals are accordingly disposed of. No costs. In view of disposal of Appeals, Civil Applications are disposed of.

[S.V.GANGAPURWALA,J.]

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