

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.563 of 2014

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Radha Devi W/o Late Vijay Kumar Thakur Resident of Village - Rajpar,
P.S. - Piri Bazar, District - Lakhisarai

.... Appellant

Versus

The Union of India through the General Manager Eastern Railway, Kolkata

.... Respondent

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Appearance :

For the Appellant/s : Mr. A.N. Mishra with Mr. Anand Kumar

For the Respondent/s : Mr. Anil Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 20-07-2017 This appeal has been preferred against the judgment/order dated 7.5.2014 passed by Member (Technical), Railway Claims Tribunal, Patna in Claim Application No. OA 00367/2005 by which claim application of the appellant has been dismissed only on technical grounds that exhibited Memo A-2 and final report of Jamalpur Railway Police Station (Ext.A-4) were not readable, and other document, i.e., Ext. R-1 Station Diary dated 23.5.2006 there was no mentioning of the alleged occurrence.

Learned counsel for the appellant has challenged the order of Tribunal on the ground that the Tribunal has not appreciated documents available on the record in right perspective, the Tribunal has completely lost sight of the true spirit behind the grant of claim under Railway Act, 1987, which is to provide their dependent some amount for their livelihood and it is a beneficial legislation. Hence, the claim case ought not to have been dismissed by the Tribunal on technical ground and lastly it has been submitted that the Tribunal ought to have given a chance to



the claimant to produce legible copy of documents in support of her claim.

Learned counsel for the Railway opposed the appeal and submitted that as there was no evidence on record either oral or documentary to show any such occurrence, as claimed by the claimant, has occurred, as such, the claim case was dismissed.

Having heard learned counsel for the appellant and learned counsel for the Railway. To my view, the Railway Claims Tribunal, Patna ought to have given an opportunity to the appellant to file readable documents in support of her claim, prior to dismissing of the claim case on technical ground.

Hence, this appeal is allowed. The matter is remanded back to the Railway Claims Tribunal, Patna for providing an opportunity to the appellant to file the readable/legible copies, if possible certified copy, of the documents in support of her claim within a time granted the claimant and the Tribunal will decide it afresh.

(Vinod Kumar Sinha, J)

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