

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.582 of 2014

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Punam Devi, wife of late Navin Kumar Singh, resident of village Gohar, P.S.
Kahalgaon, Distt. Bhagalpur.

.... Appellant/s

Versus

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

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravina Kumari, Advocate.

For the Respondent/s : Mr. Mahesh Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 20-07-2017

1. This Miscellaneous Appeal has been filed for setting aside the order dated 16.6.2014 passed by the Railway Claims Tribunal, Patna Bench, passed in Claim Application vide MA (OA) 00057 of 2002 by which the claim of the appellant was dismissed by the Tribunal for want of evidence completely on technical ground.

2. Heard learned counsel for the appellant and learned counsel for the Railway Claims Tribunal.

3. Learned counsel for the appellant has submitted that without giving proper opportunity, the claim application has been dismissed by the Tribunal.

4. From the order of the Railway Claims Tribunal, it appears that the case filed by the appellant was admitted after condoning the delay by order dated 26.9.2012. Thereafter, issues have been framed by the order dated 9.1.2013.

5. From perusal of the order sheets of the Railway Claims



Tribunal, it appears that no opportunity was given to the applicant (appellant) to produce her evidence. It further appears from the order dated 2.4.2013 that the applicant (appellant) Punam Devi had herself appeared before the Tribunal along with her son Pravin Priyadarshi. She has filed all the papers and, thereafter, impugned order has been passed by the Tribunal wherein it has been stated that despite several opportunities given to the applicant (appellant), she did not appear before the Tribunal. But from the order dated 2.4.2013 it appears that the applicant (appellant) has presented herself before the Tribunal along with her son.

6. In such circumstances, this Court is of the view that order dated 16.6.2014 passed by the Railway Claims Tribunal in Claim Application vide MA (O.A) 00057 of 2002 is not in accordance with law, and the same is hereby set aside.

7. The Railway Claims Tribunal, Patna Bench, is directed to pass fresh order in accordance with law after giving opportunity of hearing to the applicant (appellant) within a period of six months from the date of receipt of this order.

8. This Miscellaneous Appeal is accordingly allowed with directions made above.

(Sanjay Priya, J)

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