

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.562 of 2014**

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Gytri Devi, wife of Late Tapeswar Das, resident of Village - Sudiha, P.S.-  
Gaurichak, Dist.-Patna (Bihar)

.... .... Appellant

Versus

The Union of India through the General Manager, East Central Railway,  
Hajipur

.... .... Respondent

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**Appearance :**

For the Appellant/s : Mr. Anant Kumar-1

For the Respondent/s : Mr. Mahesh Prasad

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      20-07-2017                      This appeal is directed against the judgment/order dated 20.6.2014 passed by Member (Technical), Railway Claims Tribunal, Patna in Claim Application No. OA 00458 of 2002 by which claim of the appellant has been dismissed on technical ground stating that some documents were fake and there was overwriting on the document.

It has been submitted by learned counsel for the appellant that, as the grant of claim under Railways Act is a beneficiary legislation, hence, he ought to have given a chance to the claimant-appellant to produce legible documents in support of her claim and, as such, the impugned judgment/order is fit to be dismissed.

Learned counsel for the Railway has also been heard.



Having heard both sides and from perusal of the record it appears from paragraph-10 of the order that the learned Member has rejected the documents, like FIR, final report, etc. stating that there is overwriting on it and inquest report is also not readable. As it is beneficial legislation, he ought to have given a chance to the appellant to produce readable copy or certified copy of the same and ought not to have dismissed the claim of the appellant on technical ground.

In such view of the matter, this appeal is allowed and the matter is remanded to the Railway Claims Tribunal, Patna Bench for reconsideration and the appellant is directed to produce the readable/certified copy of documents in support her claim.

**(Vinod Kumar Sinha, J)**

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