

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

C.M.A.No.291 of 2012

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 ('the Act', for brevity), is filed by the appellant-applicant, challenging the order, dated 06.01.2012, passed in O.A.A.No.322 of 2008 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellant-applicant, the learned Standing Counsel for the respondent-Railways and perused the record.

3. In the course of submissions, it has come to light that the appellant inadvertently could not file the medical record for the period from 30.04.2008 to 19.05.2008, i.e., during the period of treatment taken immediately on occurrence of subject accident. Subsequent documents are filed. The Tribunal was pleased to dismiss the application for grant of compensation for amputation of right leg. Now the petitioner has filed some of the documents before this Court to get them on record by way of additional evidence. The truth or otherwise of the genuineness of the documents and the occurrence of accident, as contended by the appellant, and other aspects relating to the award of compensation under Section 23 of the Act is required to be determined by the Tribunal and the same cannot be gone into by this Court at this stage. Since the enactment is a social and beneficial legislation, an opportunity is required to be given to the appellant to putforth the required documents and seek compensation in accordance with law.

4. Under these circumstances, the appeal is allowed setting aside the impugned order dated 06.01.2012 passed by the Tribunal in O.A.A.No.322 of 2008 and the said O.A.A. is restored to its file for disposal in accordance with law, preferably, within a period of three months from the date of receipt of the documents. The Tribunal shall provide an opportunity to both sides to adduce oral and documentary evidence, if any.

Miscellaneous Petitions pending, if any, in this appeal shall stand closed.

Date: 25.10.2018
ssp

Dr. SHAMEEM AKTHER, J

