

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.383 of 2014

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Gajendra Paswan s/o Late Ram Keshar Paswan resident of village - Beldari
Bigha, PO Mirzapur, PS Hilsa, Distt Nalanda Bihar.

... .. Appellant/s

Versus

The Union Of India Through The General Manager, East Central Railway,
Hajipur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Krishna Mohan Murari, Adv
For the Railways	:	Ms. Seema Kumari, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 28-08-2019

Heard learned counsel for the parties.

This miscellaneous appeal has been filed for setting aside the order dated 21.04.2014 passed in Claim Application No. OA 00056 of 2005, passed by Member (Technical), Railway Claims Tribunal, Patna Bench, Patna, by which the claim application of appellant was dismissed.

Briefly stated the facts of the case as disclosed in claim application is that appellant was travelling from Patna to Pune by Pune Express having a valid ticket and on 02.05.2004 and as the train started the robbers attacked the General compartment Boggie in which applicant was travelling and threw bomb in the



Train as a result of which he got injured and was admitted at PMCH for treatment.

The Railways in their written statement denied the claim of appellant as he was not a bonafide passenger of Train and there was no bomb explosion as such there cannot be any injury due to explosion.

On the basis of pleading of parties, Tribunal framed three issues for its determination.

Appellant appeared before the Tribunal as a witness and supported his claim as stated in his claim application. He deposed that he remain admitted in PMCH for three months and bomb particles were found in his body. He also received ex gratia amount of Rs. 5000/- by the Railway authority. The incident was investigated by the police and same was found to be true.

In his cross-examination he stated that on 02.05.2004 at 11:00 hrs the incident took place in which other passengers were also injured and some even died. He produced copy of FIR, fardbeyan, final report dated 04.09.2004 and certificate issued by PMCH that he was admitted on 03.05.2004, for treatment of blast injury. He submitted original treatment chart and discharge certificate in which date of admission is recorded



as 03.05.2004 and date of discharge as 31.07.2004 and it also recorded that appellant suffered blast injury.

The claim application of the appellant has been rejected on the ground that interpolation and manipulation were observed in the document submitted by the appellant although those documents were public documents issued by competent authority in discharge of their official duty, as such they cannot be lightly brushed aside.

It is submitted that the oral and documentary evidence produced by appellant was not properly appreciated and duly considered by the Tribunal while examining the claim of appellant on the ground that they were not reliable although they were public documents prepared by the officials in discharge of their official duty, resulting in failure of justice, accordingly, the judgment and order dated 21.04.2014 passed in Claim Application No. OA 00056 of 2005, by Member (Technical), Railway Claims Tribunal, Patna Bench, Patna, is set aside and matter is remanded to the Railway Claims Tribunal, to reconsider the claim of applicant afresh within three months from the date of receipt/production of a copy of the order passed by this Court. It is made clear that this Court has not expressed any opinion on the merits of the claim case and same is to be



looked into and decided by the Tribunal on its own merit.

The miscellaneous appeal is disposed of with the aforesaid direction.

LCR of this case be returned to the concerned Tribunal forthwith.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2019
Transmission Date	NA

