

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.248 of 2014

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Jai Nandan Sao, s/o Late Bishun Sao, resident of Village + P.O.- Farah, P.S.- Akbarpur, District- Nawada.

... .. 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. Harendra Pandey, Advocate
For the Respondent/s : Mr. D.K.Sinha, Senior Advocate
Mr. Anjani Kumar Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-02-2019

Heard learned counsel for the parties.

2. This miscellaneous appeal has been preferred, under Section 23 of the Railway Claims Tribunal Act, against the judgment and order dated 25.03.2014, passed by the learned Member (Technical), Railways Claims Tribunal, Patna Bench, Patna in claim application being O.A. No.00065 of 2005.

3. By the impugned judgment and order, the Railways Claims Tribunal, Patna has turned down the claim of the appellant for compensation only on technical ground that the appellant failed to produce certified copy of the documents of which the appellant had produced photostat copy.

4. The impugned judgment and order would reveal that photostat copy of forwarding letter of claim application by the Railway Police, Nawada, a copy of the First Information Report, a



copy of the postmortem report, a copy of the inquest report, a copy of the residential certificate, a copy of the ration card and a copy of the dependency certificate was produced by the claimant.

5. Submission of learned counsel for the appellant is that if the Tribunal had any doubt on the genuineness of those documents, the Tribunal could have exercised power under Section 18(3) of the Railways Claims Tribunal Act, 1987, which empowers the Tribunal to direct for production of document, including requisitioning any public record or document or copy of such record or document from any office.

6. After hearing the parties, I find substance in the submission of learned counsel for the appellant that the Tribunal has failed to exercise jurisdiction vested in it and merely on technical grounds dismissed the claim petition.

7. Hence, the impugned judgment and order dated 25.03.2014 is *set aside* and the matter is remitted back to the Tribunal to decide the matter, according to law, preferably within three months from the date of receipt/production of copy of this order.

8. Accordingly, this miscellaneous appeal stands *allowed*.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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