

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

379

FAO-1187-1999 (O&M)

Date of decision: 20.11.2019

UOI AND ORS.

... Appellants

Versus

RASHTRIYA ISPAT NIGAM LTD

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjiv Ghai, Advocate for the appellants.
None for the respondent.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 18.12.1998 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby claim in respect of shortage of consignment was partly allowed and the respondent/claimant was awarded a sum of Rs.1,16,643.80 in OA-I/1448/93 qua shortage of 32.120 metric tones.

The sole submission made by counsel for the appellants is that the Tribunal has wrongly rejected plea of the appellants for extending benefit of 2% towards scale variation and the award may be modified accordingly. It is further argued that the Tribunal has noticed that Railway Administration placed on record minutes of the meeting held between the Railway officials and the respondent company wherein the respondent had agreed to accept offer of the Railway Administration in similar cases on the invoiced value minus 12% and excluding freight.

There is no representation on behalf of the respondent (Rashtriya Ispat Nigam Ltd.).

The controversy raised in the present appeal is squarely covered against the appellant, in view of judgment passed by this Court in FAO No.1722 of 1999 decided on 17.01.2017, pertaining to another OA decided vide the same award dated 18.12.1998.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed.

20.11.2019

ashok/m. sharma

Whether speaking/reasoned:

Whether reportable:

(REKHA MITTAL)

JUDGE

Yes / No

Yes / No