

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

-.-

**FAO 1141 of 1996 (O&M)**

Date of decision: 20.08.2019

*Punjab State Civil Supplies Corporation Limited, Chandigarh ....Appellant*

***Versus***

*The General Manager, Northern Railways etc.*

*.....Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Ms Deepali Puri, Advocate  
for the appellant

Mr. G S Bajwa, Advocate  
for the respondent - UOI

-.-

**Rekha Mittal, J. (Oral)**

Challenge in the present appeal has been directed against order dated 27.10.1995 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') whereby claim for recovery of Rs.20,790/- *i.e.* price of undelivered three gunny bales to the tune of Rs.13,500/- along with interest, has been declined primarily on the following grounds:-

- i) Claim application has not been filed through a competent/authorized person; and*
- ii) How price of three undelivered gunny bales can be calculated to the tune of Rs.13,500/-?*

With regard to competency of the person who had filed claim application on behalf of Punjab State Civil Supplies Corporation Limited, Chandigarh (in short, '*PUNSUP*'), the relevant observations recorded in

para 6 of the impugned order, read, thus:-

*“In this claim application, the first objection of the railways in the written statement was that the applicant-company had not authorized anyone by way of any resolution to file the claim application through the person concerned. The claim application has been filed through the Additional Managing Director namely Shri Ajit Singh. The applicant did not produce any resolution passed by the Board of Directors, authorizing Shri Ajit Singh to file the present claim application. In the circumstances, we hold that the applicant has failed to prove if the present claim application has been filed through a competent person.”*

Counsel for the appellant has failed to advance any meaningful argument to successfully challenge these findings or refer to any relevant rule whereby claim application could be filed by the Additional Managing Director on behalf of *PUNSUP* without any resolution passed by the Board of Directors, authorizing Shri Ajit Singh, the then Additional Managing Director to file claim application. That being so, since the claim application was not maintainable for want of authorization with Shri Ajit Singh, adverting to merits of the case would be an exercise in futility.

In view of what has been discussed herein-before, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

**(Rekha Mittal)**  
**Judge**

20.08.2019

Mohan Bimbura

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No