

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

FAO No.4519 of 2016 (O&M)

Date of decision: 04.09.2019

Ram Dayal

... Appellant

Versus

Union of India

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sahil Chaudhary, Advocate for
Mr. Balkar Singh, Advocate for the appellant.

Mrs. Kulwant Kaur Kahlon, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against order dated 14.09.2015, whereby application for grant of compensation was dismissed for non-prosecution and dated 02.11.2015 dismissing the application for restoration of the claim application.

Keeping in view the legislative intent behind provisions of the Railways Act, 1989 providing for compensation to make good the loss, victim or victim family has suffered coupled with that technicalities of procedure cannot be allowed to stand in the way of substantial justice particularly in cases involving assessment of compensation by the Tribunal constituted for the purpose, orders impugned cannot be allowed to sustain and are accordingly set aside. As a natural corollary, the claim application is restored to its original status and number, to be decided by the Tribunal

concerned, in accordance with law.

In view of what has been discussed hereinbefore, the appeal is allowed. The orders impugned are set aside. The application for grant of compensation bearing Sr. No.OA-II/2014/0162...201 is restored on the board of Railway Claims Tribunal, Chandigarh Bench, Chandigarh for decision of the same, in accordance with law. The respondent-Union of India would be at liberty to raise a plea at an appropriate stage of the proceedings that the claimant is not entitle to interest of a particular period as delay in conclusion of trial can be attributed to the claimant.

Parties through their counsel are directed to appear before the Tribunal on 26.09.2019.

04.09.2019
ashok

(REKHA MITTAL)
JUDGE

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