

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1066 of 2016

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Sandeep Kumar Son of Shri Baidya Nath Prasad Sah, resident of Village-
Mohanpur, Police Station- Goraul, District- Vaishali.

... .. Appellant/s

Versus

Union of India Through The General Manager, East Central Railway, Hazipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar, Advocate
For the Respondent/s : Mr.Raj Kamal, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 13-12-2022

Heard learned counsel for the appellant as also the
Railways.

2. The present appeal is directed against the order dated 23.4.2015 passed in OA/OC/MA No. MA(OA)003/2015 by the learned Railway Claim Tribunal, Patna Bench, Patna by which the claim of the appellant was rejected on the ground of inordinate delay of more than three and half years.

3. The appellant claims to be travelling from Ranchi to Muzaffarpur by Maurya Express on 19.5.2010 after purchasing a valid ticket but fell down from the running train and as a result whereof, lost his legs.

4. He was admitted to S.K.M.C.H., Muzaffarpur and then referred to Maa Janki Hospital and Research Centre Private Ltd., Muzaffarpur for better treatment. This led to station



diary entry no. 408/2010 dated 11.7.2010.

5. As would reflect from the fact that the accident took place in 2010 but the petition was preferred only in 2015 and the case is thus hit by Section 17(2) of the Indian Railways Act, 1989 (henceforth for short 'the Act') by which the period for filing the claim was one year.

6. The case of the claimant-applicant was that he was under medical treatment which delayed the filing of the O.A. However, the documents that he provided as has been recorded by 'the Tribunal' shows that the same are about regular check-up and does not show that he was not in a position to file the petition. Accordingly, 'the learned Tribunal' rejected the claim.

7. Aggrieved, the present appeal was filed.

8. The learned counsel for the appellant reiterates that having lost both his legs, he was not in a position to file claim and thus there was the delay of three and half years. He however, could not refute the finding arrived at by 'the Tribunal' wherein it has been recorded that the documents show only about the medical check-up and not that he was bed ridden.

9. In the present appeal, the appellant also failed to bring on record the documents to justify the said inordinate



delay.

10. This Court has full sympathy for the appellant who lost both his legs but taking into account the fact that there is no justification for the filing such belated O.A. before 'the Tribunal', the alleged accident having occurred in 2010 whereas the O.A. was filed in 2015, no relief can be extended to him.

11. The appeal fails and is accordingly dismissed.

(Rajiv Roy, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
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