

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.30 of 2019

Bharati Palai and others

....

Appellants

Mr. S.B. Mohanty, Advocate

-versus-

Union of India

....

Respondent

Mr. M.K. Pati, Advocate for Union of India

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

10.10.2022

Order No.

06.

1. Heard Mr. S.B. Mohanty, learned counsel for the Appellants-claimants and Mr. M.K. Pati, learned Advocate for Union of India-Respondent.

2. Present appeal by the claimants is directed against the order dated 20.11.2018 passed in OA (IIU)/233/14 by the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar wherein the learned Tribunal has refused to grant compensation for failure on the part of the claimants to adduce evidence.

3. It is seen that the alleged accident took place on 05.11.2011 and the claim application was registered on 21.08.2014. It further reveals that despite repeated opportunities granted to the claimants, they did not turn up before the learned Tribunal to adduce their evidence in support of their claim. In the opinion of the Tribunal based on the statutory investigation report, the deceased died due to cardiogenic shock.

4. It is submitted on behalf of the claimants that Claimant No.1 is the poor widow and Claimant Nos.2 and 3 are the minor children of the deceased. After death of the deceased in the accident, they have to search for livelihood and in the process they could not attend the Tribunal to pursue their case.

5. Keeping in view such submission, the circumstances as well as the poor social status of the claimants, it is felt apposite to grant one more opportunity to establish their case.

6. Accordingly, the appeal is disposed of by sending the matter back to the learned Railway Claims Tribunal, Bhubaneswar with a direction to take decision afresh after giving opportunity to the claimants-Appellants and the Union of India – Respondent to adduce their respective evidence. The parties present before this Court are directed to appear before the Railway Claims Tribunal, Bhubaneswar on 31st October, 2022 along with certified copy of this order and the Tribunal shall proceed from the stage of evidence and decide the claim application afresh. Since the accident is of the year 2011, learned Tribunal is directed to dispose of the claim application within a period of four months from the date of appearance of the parties.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge