

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.30 of 2022

1. Dilip Ravidas

2. Shakuntala Rabidas

.... **Appellant(s)**

Versus

E.C. Railway, East Central Railway, Rail Niketan P.O. & P.S. Hajipur,
District Hajipur

.... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s)

: Mr. Rajesh Kumar Jha, Adv.

For the Respondent(s)

: Mr. Jitendra Tripathi, Adv.

07/Dated: 29th April, 2024

1. The present miscellaneous appeal has been filed by the claimants against the order dated 16.11.2021 passed by learned Member (Technical), Railway Claims Tribunal, Ranchi Bench, Ranchi in Case No. MA/RNC/31/2021.

2. It has been submitted by the learned counsel for the appellants that the incident has taken place on 28.02.2015. As per law, the claim petition has to be filed within a year. A claim petition has been filed in the month of March, 2020. The Tribunal has not considered the merit of the case and the same has been rejected on the ground of delay.

3. It appears that no proper explanation has been given and only the ground has taken that the appellants are indigent persons.

4. This Court finds that there is no sufficient explanation has been given, but considering the nature of claim and the status of the claimants, the order dated 16.11.2021 passed by learned Member (Technical), Railway Claims Tribunal, Ranchi Bench, Ranchi in case No. MA/RNC/31/2021 is quashed and set-aside.

5. The matter is remitted back to the claims Tribunal for deciding and passing fresh order on merits of the case, after following due process.

6. With the above observation and direction, the present miscellaneous appeal stands allowed.

(Rajesh Kumar, J.)