

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.209 of 2023

Anil Kumar Paswan

.... **Appellant**

Versus

Union of India through General Manager, East Central Railway, Hajipur, P.O. &
P.S. Hajipur, District Vaishali

.... **Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant

: Mrs. Chaitali Chatterjee Sinha, Adv.

For the Respondent

: Ms. C.K. Hembrom, C.G.C

: Mr. Radha Krishan Gupta, Adv.

04/Dated: 13th March, 2024

1. The present miscellaneous appeal has been filed by the appellant-claimant against the order dated 03.05.2023 passed by the Member (Technical), Railway Claims Tribunal, Ranchi Bench in Case No.MA/RNC/11/2021, whereby, the application for condoning the delay in preferring the claim petition has been rejected by the Tribunal. The order dated 03.05.2023 reads as under:-

“Sri S.K. Srivastava, Addl. Standing Counsel, U.O.I., for the Railway appeared on behalf of the Respondent Railway.

The counsel for the applicant has not been able to explain the day to day delay of 06 years 2 months and 13 days.

The Ld. counsel for the respondent has submitted that there is no reason for condonation of delay and the condonation petition may be dismissed. I have gone through the condonation Petition as well as reply of the Ld. Counsel for the Respondent and I find that day to day delay has not been explained satisfactorily by the applicant.

Hence, the condonation petition is dismissed.”

2. It has been submitted by the learned counsel for the appellant that due to the accident, both the legs of this appellant got amputated and due to medical condition, he was not in a position to make the claim. Further, it has been submitted that the Tribunal has empowered for condoning the delay in preferring the application under Section 17(2) of the Railways Claims Tribunal Act, 1987. Section 17(2) of the Railway Claims Tribunal, Act 1987 reads as under:-

“17(2) Notwithstanding anything contained in sub-section (1), an application may be entertained after the period specified in sub-section (1), if the applicant satisfies the Claims Tribunal that he had sufficient cause for not making the application within such period.”

3. Considering the special Act and the nature of injury sustained by the claimant, the impugned order dated 03.05.2023 passed by the Member (Technical), Railway Claims Tribunal, Ranchi Bench in Case No.MA/RNC/11/2021 is hereby, set aside.

4. The matter is remitted back to the Tribunal for considering the claim of the appellant and pass a reasoned order in accordance with law considering the merit of the case.

(Rajesh Kumar, J.)