

IN THE HIGH COURT OF JHARKHAND, RANCHI

Misc. Appeal No. 206 of 2024

- 1.Rajiya Khatoon wife of late Md. Jafarul aged about 49 years
- 2.Md Saddam Hussain son of late Md Jafarul aged about 29 years
- 3.Jahana Khatun d/o late Md Jafarul aged about 22 years
- 4.Sakina Khatun d/o late Md Jafarul aged about 20 years
- 5.Md Jalil son of late Maho Miyan aged about 74 years

All r/o village Mohalla-Raktarohaniya Tola Barki Tand, PO and PS
Sono District Jamui, Bihar Appellant(s)

-- Versus --

Union of India through General Manager, Eastern Railway, Kolkata, P.O.
and P.S. Garden Reach and District Kolkata, West Bengal

 Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant(s) :- Ms Omiya Anusha, Advocate

For the Resp./Railways :- Mr. Ravi Prakash, Advocate

5/10.07.2025 Heard the learned counsel appearing on behalf of the appellants as well
as the learned counsel for the respondent/Railways.

2. This appeal has been filed for setting aside the order dated 10.08.2021
passed by the learned Railway Claims Tribunal, Ranchi Bench, Ranchi in Case
No.RES/RNC/0002/2020 arising out of O.A.(IIU)/RNC/80/2019 whereby the
application filed for restoration of the application has been rejected by the
learned Railway Claims Tribunal.

3. Learned counsel for the appellant submits that on 04.2.2020 the learned
counsel appearing for the claimants has not been able to appear before the
learned court due to illness and on that day, for non-appearance, the case has
been dismissed and thereafter the restoration petition has been filed which has
been rejected by the impugned order dated 10.08.2021. She submits that for
rejecting the said restoration, no reason has been assigned by the learned court

and simply it has been dismissed.

4. The learned counsel for the respondent Railways submits that learned counsel has not appeared before the learned Tribunal and in view of that the case was dismissed.

5. The Court has perused the order dated 10.8.2021 whereby restoration petition filed for restoration of the said O.A.(IIU)/RNC/80/2019 has been rejected. In the said order, there is no reason assigned for rejecting of restoration of the said O.A. case. It was pointed out in course of the argument that due to illness on that day, the learned counsel for the claimants had not appeared before the Tribunal and that is also disclosed in paragraph no.2 of the petition filed before the learned Tribunal for restoration.

6. In view of above facts and reasons, the impugned order dated 10.8.2021 is hereby set aside. The O.A.(IIU)/RNC/80/2019 is hereby restored to the file of the learned Railway Claims Tribunal, Ranchi Bench, Ranchi which will be decided on merit in accordance with law.

7. The appellants herein and the learned counsel for the Railways shall appear before the learned Railway Claims Tribunal, Ranchi Bench, Ranch on 28.07.2025.

8. This appeal is allowed in the above terms and stands disposed of.

(Sanjay Kumar Dwivedi, J.)

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