

NAROTAM SHARMA AND ANR

V/S

UNION OF INDIA THROUGH THE GENERAL
MANAGER, NORTHERN RAILWAY, BARODA
HOUSE, NEW DELHI

Present: None for the appellants.

Mr. Jagjit Singh Lalli, Advocate for the respondent-UOI.

[1] The present appeal is directed against Order dated 09.01.2017 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, whereby the claim petition filed by the appellants stands dismissed, observing as under:-

“ We have perused the order dated 27.10.2015. This order came into being on the application filed by the applicants on 6.8.2015, firstly, seeking amendment in the claim application and secondly, for impleadment of respondent No. 2 (Union of India through General Manager, Northern Western Railway, Jaipur) on the ground that that the place where the untoward incident occurred place, falls under the administration of Northern Western Railway Jaipur and as such, it was a necessary party for the proper adjudication of the case. The first prayer of the applicants qua amendment was disallowed whereas the second prayer for impleadment of respondent No. 2 was allowed and the applicants were directed to file amended memo of parties. However, a perusal of order sheets shows that the applicants have not complied with the order dated 27.10.2015 of this Tribunal and failed to place on record the amended memo of parties and the case was listed for final arguments. Even on 3.1.2017 when the case was listed for final arguments, none has put in appearance on behalf of the applicants. This goes to show the careless attitude on the part of the applicants and further that the applicants may not be interested in seeking claim against the respondent. We feel that no order can be passed against General Manager, N.W.R. Jaipur without impleading him as one of the respondents as he is the proper and necessary party in whose jurisdiction the alleged incident occurred and was in

possession of all the records pertaining to the incident. We also feel that in the circumstances, no award can be passed against the present respondent i.e. General Manager, Northern Railway, New Delhi.

It was incumbent upon the applicants' counsel to have impleaded the proper respondents as per order dated 27.10.2015 and to comply with the said order by filing amended memo of parties on record. Having failed to do so, we have no option, but to dismiss the claim application as no purpose will be served to continue with the present claim application. ”

[2] In the considered opinion of this Court, once Union of India through General Manager, Northern Railway, Baroda House, New Delhi, had been impleaded and arraigned as respondent, Tribunal ought not have dismissed the claim application for non-impleadment of General Manager, N.W.R., Jaipur. Even if the Tribunal was taking cognizance of the callous attitude of the counsel representing the appellants, the claimants should not have been taxed for the same.

[3] Keeping in view the totality of circumstances, General Manager, N.W.R. Jaipur is ordered to be impleaded as respondent No.2 in the main claim petition. The Tribunal shall issue notice to the newly added respondent and proceed with the claim petition. The impugned order dated 09.01.2017 is ordered to be *set aside* and the matter is remanded back for fresh trial.

[4] The parties shall appear before the Tribunal on 09.03.2026.

[5] Registry is directed to send copy of the order to the appellants.

[6] **Disposed off** accordingly.

27.01.2026

(PANKAJ JAIN)
JUDGE