2026:AHC:208372

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 1896 of 2019

Praveen Tomar

.....Appellant(s)

Versus

Union of India

.....Respondent(s)

Counsel for Appellant(s)	:	Nilamber Tripathi, Ravi Prakash Srivastava, Utkarsh Tripathi
Counsel for Respondent(s)	:	Ved Mani Tiwari, Vijay Kumar Singh

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Learned counsel for the appellant and learned counsel for the respondent are present.

2. This appeal has been directed against the order dated 18.01.2019 passed by the Member (Technical), RCT, Ghaziabad in Case No. MA/GZB/2018/026 (Praveen Tomar vs. Union of India through the General Manager, Northern Railway, New Delhi), whereby the claim petition filed by the appellant has been dismissed. The said claim petition was dismissed on account of inordinate delay as well as on the ground that the appellant had not adduced any document to support his claim of having sustained injuries during the course of employment.

3. Learned counsel for the appellant submitted that the claim petition was dismissed without entering into the merits on account of delay. If the said order dismissing the claim petition is set aside and the matter is remanded to the Railway Claims Tribunal for consideration afresh, each issue can be decided on its merits. It was further submitted that the principles of natural justice require that every dispute should ordinarily be decided on merits rather than being dismissed on technicalities.

4. Per contra, learned counsel for the respondent submitted that the claim petition was dismissed not only on account of inordinate delay but also on the ground that the appellant could not produce any document before the Railway Claims Tribunal to prove that the alleged accident had occurred during the course of employment. It was further submitted that no reason whatsoever had been stated by the appellant to explain the delay.

5. Heard learned counsel for the parties and perused the impugned order dated 18.01.2019. It is evident from the impugned order that an application for condonation of delay in filing the claim petition before the tribunal was filed by the appellant seeking condonation of delay of 3 years, 7 months and 22 days. The said application for condonation of delay was dismissed on the ground that the appellant had failed to furnish any cogent and convincing reason justifying the delay in filing the claim petition. This Court is of the view that no cogent and convincing reason was adduced by the appellant before the learned Railway Claims Tribunal to explain the delay which had occurred in filing the claim petition.

6. It has also been noticed that the limitation prescribed for filing a claim petition before the Railway Claims Tribunal is one year. Thus, the delay in filing the claim petition was clearly inordinate. The appellant has miserably failed to explain the reasons for the delay occasioned in filing the claim petition. Therefore, the impugned order does not warrant any interference by this Court.

7. Accordingly, the impugned order dated 18.01.2019 is upheld and the appeal is dismissed.

October 5, 2026
Ujjawal

(Anil Kumar-X,J.)

Digitally signed by :-
UJJAWAL
High Court of Judicature at Allahabad