

GSR 842 E RAILWAY CLAIMS TRIBUNAL (PROCEDURE) RULES, 1989

)-127 REGISTERED NO. D. (D.N.) 127 Che Gazette of *dig EXTRAORDINARY PART 11--Secüen 3— Sub-section PUBLISHED BY AUTHORITY (X 09 19, 28, 1911 No. 498] NEW DELHI, TUESDAY, SEPTEMBER 19, 1989/BHADRA 28, 1911 Separate Paging ig given to this Part in order that it may be med RS a separate compilation qt•i) 1989 . fh. 842 1987 (1987 54) 30 (2) 6) (s&m') frT(T, 19892 1 2646 GI/89 1987 54) 1890 (1890 16 'fifi \$lfü-fi-qx:r, 1961 (1961 25) (i) (1) 2 THE GAZETTE OF EXTRAORDINARY (PART I I—SEC, 3 (i)] "TTT" t; (æ) "fift7 3TfütTrf«T (2) ra•r affifGT iFfi TIRT (4) qzt q7T arrä-a-å TIRT ZNÄ (1) 16 (1) t, öfr Mfr,g 3 (T) qãTiTX (3) 1890 xfä,• 1890 (1890 9) 13 9. ur (Tfr, a-rw, 13 (1) &) (i) fig TMT 'T T? , 11. Ali 7Tt (5) (4) q-Tfra 12. 10. f«rg 13 fig (1) 4 THE GAZETTE OF INDIA . EXTRAORDINARY [PARr 11-src. 3 (i)] 13. fifr äT(T qny, : (1) gp-r 15. TIRT *7TT, q-rg I 16, 17. *ATT , 18. q-x q tFh-QJT qgt 3FQ14T 19. qq?r (2) xe:p\$fr trt f« üqr . att 20. -gr-fi vrfr<tqt Ott 1908 6) 1872 123 124 g-f&fä-fq 21, (1) afirn:q 5 22. qTf4Ttii f.(rg (2) qfû*QT, «rfä•lzit OTT; q(tåTT, srßT- 25. fhf«z q:ft 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEc. S (i)] 26. fh-g 27. (2) *grr 28. 31. fq•f« tmr ift(fT, 1908 fifGf I (3) fkTf« trfr @Tf«n. sir qrq, æi-åfifi 34. RftT f*tl f511 frTaan•r I 33. qr qrf« qr fh.-qr-at 36. ft-ft-qq ft-q-r fhfi*ii frq•q-r 37. 3TY FT zrr 3 (3) 31 t.ih (ii) 11 (iii) 3Tfuf-a-q-q (vii) Tr fir 24 (xi) (4) f*rq ft-ü (5) 3TfW0T fib--q•r Rlfu-qn-(q-rpf, aF" T fq-fi-y-q-cif 8 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3 (1) 38. 9.30 6.00 39. ap-r 10.30 1.30 2.3 4.30 OTT I 40. it--a•x I 1 (fiqq, 1989 5 a.Trt 16 1. 2. 3. 4. 5. 42. ft-sr I 43. \$r-;-q-r\$ t, fr-r4T Qtr t, q-q•tfr-« 3fir- 31TüIMT 3(i)] 4. (i) rrqr . (LI) ZTT (i) (TfT) (ii) (iii) (erTTéÉi) 5. tfrfszqt— 9 1 qiq0T 5 264 3 4 10 THE GAZETTE OF INDIA : EXTRAORDINARY 1890 '18« [PART 11-src. qtq) ; 8 rrq i (qz «r, fiz fQqr 31TQvr I 9. @ fig 10. 1. 3. 4. 5. 6. 4TT Äfqät 3(i)] 11 2 1989 5 16 1. o. 4

6. Gftl\$R 12 THE GAZETTE OF INDIA : EXTRAORDINARY 1.fWqr 10. fQ O [PART 11-SEC. 3 (i) Ofir 11. 12. 13. 15. : 16. : 17. qro qt : 18. : 19. «rq : qir Ttq qm [MT II---«r 3(i)) : qqrq•req 13 faq, 1989 qfT 5 trg qr 16 I qrq 2 4. 6. 14 1. 2. 3. 4. 5. 1 (ii) (i) (ii) (iii) (iv) THE GAZETTE OF INDIA EXTRAORDINARY ...-.....-3âq arix (qriRt) fnqlm* :— 2 3 4 5 6 (P IIWSEc. •g (i) i 7 [RfiT 2 3 4 5 15 7 6. 1890 qft 78q (i) 7. (Q tfrq (ii) 8. iTtt t (Q? 'Äff it, t, q•riZ7, 10. 1. 4. 16 a-rtFä-•— 1. 2. 3, THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3 (i)] arrr (i) (ii) fhfq (iii) (iv) (vi) h--h•i ft, fifyfrfzqt I (vii) tfrfzq•t 1 FFM, 1989 5 (5) ('fgr•rt, 5 fur I F7frF) ATKIT f?q-fi77 1 f,4ft T, ' -s.F-FTTT -3 3(i)] 17 (1) 3. 4. 5. 7. 8. 9. 13. 2646 01189—3 (2) (3) efi, (ii) (iii) fätx•q, f,-q, q. 11 (3) 18 16. rr11E GAZE r F OF 1 987 16 (1) öi (iii) (v) 20,000tqg (vi) 30,000 a-fi (vii) 40,000 7. 00 G. 100 Qi . 8 39 500 7 74 OOO 31 4 5, 5 1,064 20,000 J, 4G4 EFT 2 1,664 40. | 1,764 50, OOO *fin-Mt, MINISTRY OF RAILWAYS (Railway Board) NOTIFICATION New Delhi, the 19th September, 1989 G.S.R, 842(E) .— In exercise of the powers con- ferred by clauses (c), (e), (f) and (g) of sub-section (2) of section 30 of the Railway Claims Tribunal Act, 1987 (54 of 1987), the Central Government hereby makes the following rules, namely 1. Short title and commencement.—(1) These rules may be called the Railway Claims Tribunal (Proce- dum) Rules, 1989. (2) They shall come into force on the •appointed day' within the meaning of Clausc (b) of Section (2) of the Act

2. Definitions.—In these rules, unless the con- text reques . (a) "Act" means the Railway Claims Tribunal Act, 1987 (.54 of 1987) ; (b) "accident" means an accident OL the nar tute desired in Sedion, &2A of the Indian Railway Act, 1890, (9 of 1890) ; (e) "äpplicafit" means a person making an application to the Tribunal under section 16 of the Act; (d) "Form" means a form to these rules; (e) ' •legal practitioner" shall have the meaning assigned to it under clause (i) of section 2 Of the Advocates Act, 1961 (25 of 1961). (f) "legal representative ' means a person who in law represents the estate of deceased; (g) "Registrar" means the person who is for the time being discharging the functions of the Registrar of the Tribunal and ill- cludes an Additional and Assistant Regis- trar. (h) "Registry" means the Registry af any Bench of the Tribunal; (i) "Schedule" means a schedule to these rules; (j) "Section" means a section of the Act; (k) "TransferL-cd application" means a suit, claim or other legal proceeding which has twen transferred to the Tribunal under section 24 of the Act; "Tribunal*" means the Railway Claims Tri- bunaL established under seeinn 3 of the Act; (m) 19 Words and expression used and not denned in these rules but defined in the Act shall have the meanings respectively assigned to them in that Act

3. Territorial jurisdiction of Benches .—The number of Benches, the Headquarters of each Bench and the territorial jurisdiction of every such bench shall be as specified in Schedule I. (2) If an application is received by a Bench which does not have territorial jurisdiction to deal with the matter, the Registrar of the Bench shall return the application to the applicant. (3) Notwithstanding anything contained in sub-rule (2) the applicant may apply to the Chairman and the Chairman may thereupon for reasons recorded in writing direct a Bench other than the Bench before which an application has been filed to hear such application and issue such orders as may be necessary for the transfer of the application. (4) Language of the Tribunal.—The language of the Tribunal shall be English : Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi, if they so desire; Provided further that : (a) a Bench may, in its discretion, permit the use of Hindi in the proceedings, subject to the condition that the final order shall be in English ; and (c) a Bench hearing a matter, may, in its discretion direct English translation of pleadings and documents to be filed

5. Procedure for filing applications.—(1) An application to the Tribunal shall be presented in Form I or Form, 11 or Form II as the case may be either by the applicant in person or by an agent or by his duly authorised legal practitioner to the Registrar. (2) An application referred to in sub-rule (1) may also be sent by registered post to the Registrar of the Bench concerned. (3) The application under sub-rule (1) or sub-rule (2) shall be presented in triplicate. (4) Where the number of respondents is more than one, as many extra copies of the application as there are respondents', together with unused file size envelopes, bearing the full address of such respondents, shall be furnished by the applicant. (5) The applicant may attach to and present with his application receipt slip in Form 11 which shall be signed by the Registrar of the officer receiving the application on behalf of the Registrar in acknowledgement. (6) Every application including any miscellaneous application, shall be typed legibly in double space on one side on thick paper of good quality. 20 THE GAZETTE OF INDIA : EXTRAORDINARY 11-3 (i) i 6. Application fees for cases other than compensation for death or injury to passengers.—(1) Every application made under sub-section (1) of section 16 for seeking relief in respect of matters, other than claim of compensation for death or injuries to passengers, shall be accompanied by a fee as specified in Schedule 11. (2) The amount of the fee as referred to in sub-rule (1) shall be payable by crossed demand draft on a nationalised bank drawn in favour of the Registrar of the concerned bench or remitted through a crossed Indian Postal Order and drawn in favour of the Registrar of the concerned bench. 7. Documents to accompany the application.—(1) Every application for compensation in respect of loss, destruction, damage, deterioration or non-delivery of animals or in respect of refund of fare or freight shall be accompanied by the following documents, namely (a) copy of the railway receipt [parcel way bill luggage ticket; (b) original sale invoice (Bijak), if any; (c) copy of order or letter, if any, of the railway administration deciding the claim of the party; (d) copy of the original certificate issued by the railway administration regarding loss, deterioration or damage to the goods, at the time of granting open delivery or assessment delivery; (e) copy of the notice under Section 78 B of the Indian Railways Act, 1890. (f) copies of any other relevant document in possession of the 8. Place of filing application for compensation in accident claims.—An application for compensation payable under section 82 A of the Indian Railways Act, 1890 (9 of 1890) and referred to in sub-clause (ii) of clause (a) of sub-section (1) of section 13 of the Act may be filed before the Bench having territorial jurisdiction over the place where the accident occurred

9. Place of filing application for compensation for loss, damage, destruction, deterioration or non-delivery of goods or animals An application for compensation referred to in sub-clause (i) of clause (a) of sub-section (1) of section 13 of the Act may be filed before the Bench having territorial jurisdiction over the place where— (a) the goods or animals were delivered for carriage; or (b) where the destination station lies; or (c) the loss, destruction, damage or deterioration of goods or animals occurred

10. Place of filing application for refund of fare and freight. An application in respect of a claim for refund of fare or freight referred to in clause (b) of sub-section (1) of section 13 of the Act may be filed before the Bench having territorial jurisdiction over the place at which such fare or freight was paid to the place where the destination station lies. 11. of The Registrar, or the officer authorised by him, shall endorse on every application, the date on which it is presented or received through post under rule 4, and sign the endorsement. (2) If, on scrutiny, the application is found to be in order, it shall be registered and given a

serial num- (3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the applicant to rectify the same in his presence, and if the defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit. (4) If the applicant fails to rectify the defect within the time under sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing, decline to register the application and inform the applicant accordingly. (5) An appeal against the order passed under sub-rule (4) may be preferred by the person aggrieved within fifteen days from the date of such order to any Member and such appeal shall be dealt with and disposed of in Chamber by the Member where thereon shall be final

12. Notice to oppose The Tribunal shall issue notice to the respondent to show cause against the application on a date of hearing to be, therein. Such notice shall be accompanied by a copy of the application. (2) If the respondent does not appear on the date specified in the notice or appears and admits the claim, the Claims Tribunal shall forthwith proceed to dispose of the application. (3) If the respondent contests the claim it may file a reply along with copies of such documents on which it relies on or before the date of hearing and such reply and copies of documents shall form part of the record

13. Service of notices and processes issued by the Tribunal Any notice or process to be issued by the Tribunal may be served in any one of the following modes as may be directed by the Bench. (a) by hand delivery through a process (b) by registered post with acknowledgement due; (c) service by the party himself. (2) Where a notice issued by the Tribunal is served by the party himself by 'hand delivery', he shall file with the Registry the acknowledgement, together with an affidavit of service. (3) Notwithstanding anything contained in subrule (1), the Tribunal may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service, as it appears on the Tribunal just and convenient

14. Filing of affidavits The Tribunal may direct the parties to give evidence, if any, by affidavit. (2) Notwithstanding anything contained in sub-rule (1), where the Tribunal considers it necessary for just decision of the case, it may order cross-examination of any deponent

15. Filing of reply and other documents by the respondents. (1) Each respondent may file his reply to the application and copies of the documents on or before the date of hearing. (2) In reply filed under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the applicant in his application and state such additional facts as may be found necessary in his reply along with affidavit

16. Summary dismissal of application. The Tribunal, may, after considering the application, summarily dismiss the application, if for reasons to be recorded, the Tribunal is of opinion that there are not sufficient grounds for proceeding therewith

17. Hearing of applications The Tribunal shall notify to the parties the date and place of hearing of the application in such manner as the Chairman may, by general or special order, direct

18. Action on application for applicant's default (1) Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the applicant is called for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit. (2) Where an application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same. Provided, however, where the case was disposed of on merits the decision shall not be re-opened except by way of review. **19. Ex-parte hearing and disposal of applications.** (1) Where on the date fixed for hearing the application or on any other date to which such hearing may be adjourned, the applicant appears and the respondent does not appear when the application is called for hearing, the Tribunal may, in its discretion adjourn the hearing or hear and decide the application ex-parte. (2) Where an application has been heard ex-parte against a respondent or respondents, such respondent or respondents may apply to the Tribunal for an order to set it aside and if such respondent or respondents satisfy the Tribunal that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the application was called for hearing Tribunal may make an order setting aside the ex-parte hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the

application : Provided that where the ex-parte hearing OE the applicaion is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also

20. Procedure and powers of Tribunal.—T11e Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the foltovving matters, namely : (a) summoning and enforcing the attendance of any person and examjnmg him on oath; (b) requiring the discovery and ptduction of documents; (c) receiving evidence on affidavits; (d) (f) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 requisitioning any public record or docu- ment or copy of such record or document from any omce; issuing commissions for the examination of witnesses or documents; reviewing its decisions; dismissing an application for default or ex- pane; (h) setting aside any order of dismissal of any application for default or any order passed by it ex-parte

21. Framin* and determination of After considering the reply, the Tribunal shall ascer- tain upon what material propositions of fact or of law the parties are at variance and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to it to depend.(2)

In recording the issues, the Tribunal shall distinguish between those issues which in its opinion concern points of facts and those which concern points of law, (3) After framing the issues, the Tribunal shall proceed to record evidence thereon which each party may desire to produce. 22, Summoning of witnesses and method of cording If an application is mesented by any party to the proceedings for summoning of witnesses, the Tribunal shall issue summons for the appearance of such witnesses unless jt considers that their appearance is not necessary for the just decision of the case. I-HE CAZI•r'1U OE INDIA (2) The Tribund shall make a brié of the substance of the evklâlce of every witness as the examination ot the witness proceeds and such memorandum shall form part of the record Provided that if the Tribunal is prevented from making such memorandulll, it shall record the reasons of its inability to do so and shall cause such memorandum to be made in writing from its dictation and shall sign the same, and such memorandum shall form part of the record

23. Power to issue Bench of the Tribunal may issue a commission for the exami- nation on interrogatories or otherwise of any person who is resident within ttle territorial jurisdiction of such Bench of the Tribunal and who is unable to attend the Tribunal for any justifiable reason

24. Procedure in connected l) Where two or more applications pending before a Tribunal arise out of the same facts and any issue involved is common to two or more such applications, such applications may, so far us the evidence bearing on such issue is concemed, be heard simultaneously.(2) Where action is taken under sub-rule (1), the evidence beating on the common issue or issues shall be recorded on the record of one application the Tri- bunal shall certify under its hand on the records of any such other application, the extent to which cvi- dence so recorded applies to such other case and the fact that the parties to such Othel case had lhe opportu- nity of present, and, if they were present ot cross-examimng the witnesses

25. Calendar of transferred cases.—Each Bench shall draw up a calendar for the hearing of trans- the C- hmrnmun ferred cases in Sitch manner as by generat or special order direct and, hear and decide (he cases according to the calendar

26. Substitution of legal representatives.— the case of death of a party during the pendency or the proceedings before Tribunal, the legal represen- tatives of the deceased party mav apply within ninety days of the date of such death -for being brought on record. (2) Where no application is received from the legal representatives within the period specified In sub-rule ther proceedings shall abate . Provided that for good and sufficient reasons shown, the Tribunal mav allow substitution of the legal representatives of the dceaeqd. 57, A' In an enquiry into a claim. the Irtt.unal may call in aid af assessors. not two in number. who pussess any technical or special knowldgc with reQpcct to matter hefnrc the Tribunal for the purpose of assisting the Tribunal. (2) An assessor shall perform such functions as the Tribunal may direct. (3) The remuneration, if any, to be paid to an assessor shall in every be determined by the Tribunal- and be paid by 28. Adjournment of (fre Tribunal finds that an application cannot be disposed of at onc : EXFI RAORDINARY [PARr 11--SEC. 3] hearing it shall record the reasons which necessitate the adjourn.ment and also inform the parties present of the date of adjâurned hearing

29. Costs.—The claims Tribunal may, in its discretion, pass such orders in respect of costs incidental to any proceedings before it, as it may deem fit

30. Decision of the Tribunal.—The Tribunal shall decide every application as expeditiously as possible on perusal of documents, affidavits and other evidence, if any, and after hearing such oral arguments as may be advanced. **31. Order to be passed and signed.**—(1) The Tribunal, after hearing the applicant and respondent, shall pass an order either at once or, as soon as thereafter as may be practicable. (2) An order made by the Tribunal shall be executable by the Tribunal as a decree of civil court and the provisions of the Code of Civil Procedure, 1908, so far as may be, shall apply as they apply in respect of decree of a civil court. (3) Every order of the Tribunal shall be in writing and shall be signed by the Member or Members constituting the Bench, which pronounced the order

32. Review of decision.—(1) Any person considering himself aggrieved by any order of the Tribunal from which no appeal is allowed and who on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the Order made against him, may apply for review of a final order not being an interlocutory order, to the Tribunal. (2) Where it appears to the Tribunal that there is not sufficient ground for a review, it shall reject the application. (3) Where the Tribunal is of the opinion that the application for review should be granted, it shall grant the same. Provided that no such application shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the order, a review of which is applied for

33. Publication of orders Any order of the Tribunal deemed by it to be fit for publication in any authoritative report or other media may be released for such publication on such terms and conditions as the Chairman or Vice-Chairman or Member concerned may specify by general or special order. and inspection of 3d. Certified copy of the order to be sent to any If the applicant proceeding requires a copy of any order passed by the Tribunal, the same shall be supplied to him on payment of rupees ten per order. (2) The parties to any case or their Counsel may be allowed to inspect the record of the case on making application in writing to the Registrar and of rupees ten per inspection

35. Orders or directions by the Tribunal may pass such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

36. Registration of Legal practitioner's clerks.—(1) No clerk employed by a legal practitioner shall sit as such before the Tribunal or be permitted to have access to the records and obtain copies of the orders of a Bench of the Tribunal in which he ordinarily practises, unless his legal practitioner's name is entered in the Register of Clerks maintained by the said Bench. Such clerk shall be known as a "Registered Clerk".

(2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar
application being allowed in



Form V. On such by the Registrar, his name shall be entered in the Register of Clerks

37. Powers, Functions and Duties of the Registrar. (1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or from time to time by the Chairman or the Vice-Chairman or the Member. (2) Without prejudice to the foregoing sub-rule (1), the Registrar shall have the following powers and duties, subject to the general or special order of the Chairman or Vice-Chairman or Member, Chairman, to receive all applications and other documents including transferred applications under sub-rule (3) of rule 3, to decide all questions arising out of the scrutiny of the applications before they are registered in accordance with rule 11; to require any application presented to the Tribunal to be amended for compliance with any provision of the Act or the rules; subject to the direction of the respective Benches, to fix the date of hearings and to issue notices therefor; to direct any formal amendment of records; to order grant of copies of documents to parties to the proceedings; to grant leave to inspect the records of the Tribunal; to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices and for extending the time for filing applications and to grant time not exceeding 15 days for filing a reply or rejoinder if any, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period to requisition or transfer of any records of such suit, claim or other legal proceeding as are transferred to the claims Tribunal from any Court, Claims-Commissioner or other authority under clause (u) of sub-section (2) of section 24 of the Act. (x) To receive and dispose of applications for substitution, except where the substitution would involve setting aside an order of abatement; (xi) to receive and dispose of applications by parties for return of documents. (3) The official seal shall be kept in the custody of the Registrar. (4) Subject to any general or special direction by the Chairman, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing of the Registrar. (5) The seal of the Tribunal shall not be annexed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar. (6) The Registrar of each Bench shall make out, every month a brief statement of the important decisions given by that Bench during the previous month and send it to the Registrar of the Principal Bench who shall after suitable editing, circulate it to all the Benches of the Tribunal in the country and to all Chief Claims Officers of Zonal Railways for their information

38. Working hours of the Tribunal.—Except on Saturdays, Sundays and other public holidays, office of the Tribunal shall, subject to any order made by the Chairman, remain open from 9-30 A.M. to 6-00 P.M.

39. Sitting hours of the Tribunal "The sitting hours of the Tribunal shall ordinarily be from 10-30 AM to 1-30 PM and 2-30 PM to 4-30 PM subject to any general or special order made by the Chairman or by Vice-Chairman or Member concerned with the prior approval of the Chairman

40. Seal and emblem The official seal and the emblem of the Tribunal shall be such as the Central Government specify

41. Sitzings of the Tribunal outside the Headquarters. The Tribunal and any of the Benches may hold its sittings at Headquarters or at any other place if it may find convenient for the better transaction of business

42. Headquarters of the Tribunal The Tribunal shall have its Headquarters at New Delhi. **43. Preservation of record** All necessary documents and records relating to applications dealt with by the Tribunal shall be kept in a record room and shall be preserved for a period of three years after the passing of the final order

44. Inherent powers of the Tribunal Nothing in these rules shall be deemed to limit or otherwise affect the inherent power of the Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal.



FORM 1 [See rule 5 of the Claims Tribunal (Procedure) Rules, 1989]. Application under section 16 of the Act in respect of claims for compensation for loss; destruction, damage, deterioration or non-delivery of animals or goods

PART 1 Title of the case S, No

PART Description of documents attached Page No. Application 2. 3. 4. 5

6. Signature of the Applicant For use in Tribunal's OMce. Date of filing or Date of Receipt by post
Registration No. Signature for Registrar C.D. 1. 2 3. 4

5

PART 111 IN THE RAILWAY CLAIMS TRIBUNAL BETWEEN AND Particulars of the applicant :
Name and address : Particulars of the respondent/respondents; Value of Claim and details of application fee— (1) Value of claims (2) Details of application fee; (i) Name and address of the Bank on which the draft is drawn; (ii) Demand Draft No. and the Branch at which payable. Or (i) Number of Indian Postal Order(s) (ii) Name of issuing Post Office (iii) Date of issue of Postal Order(s) (iv) Post Office at which payable. Full Booking particulars of the consignment— Date of Booking Railway Receipt of Parcel way Bill From (2) Station To (3) BENCH APPLICANT RESPONDENT Description of consignment (4) Value of Consignment (5) Any other particulars (6) 3(i)] *dur-«* : 25 6. Date on notice served on the Railway Administration under Section 78B of Indian Railways 7. Act, 1890 (Attach proof) (i) Facts of the case : (Give here a concise statement of facts in a chronological order, each as nearly as possible, a separate issue, fact or otherwise) (ii) (a) Nature of relief sought; and (b) Grounds of relief

8. Matters not previously filed or pending with any other Court. (State whether the applicant had previously filed any claim, writ petition or suit regarding the matter in respect of which the present application has been In case the applicants had previously filed any claims, application, {writ petition or suit, indicate' the stage at which it is pending, and if decided, attach a certified copy of the order

9. Jurisdiction of the Bench (indicate the facts on the basis of which the Bench to is made, has the jurisdiction).IO. List of enclosures: 1. 2. 3. 4. 5. 1, resident of VERIFICATION do hereby verify that the contents of paragraphs are true to my personal knowledge, and paragraphs ame of the applicant)IS/o, D/o, WIG, g to to are believed to be true to the best of my knowledge or the legal advice given to me, and that I have not suppressed any material fact. Date Place : To The Registrar, Railway Claims Tribunal,



FORM 11 Signature of the applicant Full address : [See Rule 5 of the Railway Claims Tribunal (Procedure) Rules 1989] Application under Section 16 of the Act in respect of claims for compensation arising out of ' accident to a train PART 1 Title of the case 2".6 GI/89—4 26 S. No. 1, 2. 3. 4. 5

6. THE GAZETTE OF INDIA : EXTRAORDINARY PART 11 INDEX Description of documents attached [PART 11—SF-C. 3 (i) 1 Page No. For use in Tribunal's Office To 1, residing of Signature of the Applicant Date of filing or Date of Receipt by post Registration No. Signature for Registrar PART 111 The Railway Claims Tribunal, son/daughter/wife/widow of having been injured in railway accident hereby apply for the grant of compensation for the injury sustained. 1, residing at son/daughter/wife/widow ofL hereby apply as dependant for the grant of compensation of account of the death)injury sustained by Shri)Kumari/Shrimati son/daughter/wife/widow of Shri/Shrimati who died/was injured in the railway accident referred to hereunder. Necessary particulars in respect of the deceased/injured in the accident are given below : 1. 2. 3

4. Name and father's name of the person injured/dead (husband's name in the case of married woman or widow) Full address of the person injured/dead. Age of the person injured/dead. Occupation of the person injured/deade 27 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18



19. Date Place W/o. Name and address of the employer of the deceased, if any- Brief particulars of the accident indicating the date and place of accident and the name of the train involved Class of travel, and ticket/pass number, to the extent known Nature of injuries sustained alongwith medical certificate. Name and address of the Medical Officer/Practitioner, if any, who attended on the injured/dead and period of treatment Disability for work, if any, caused. Details of the loss of any luggage on account of the accident Has any claim been lodged with any other authority? If so, particulars thereof Name and permanent address of the applicant Local address of the applicant, if any Relationship with the deceased/injured Amount of compensation claimed Where the application is not made within one year of the occurrence of the accident, the grounds thereof Any other information or documentary evidence that may be necessary or helpful in the disposal of the claim Mention the documents, if any, filed alongwith application. I, solemnly declare that (a) the particulars given above are true and correct to the best of my knowledge and (b) I have not claimed or obtained any compensation in relation to the injury/death which is the subject matter of this application. Signature or left thumb-impression of the applicant Name of witness and his address in case Left Thumb Impression is put by applicant. VERIFICATION Name of the applicant) S/o, D/o, resident of do hereby verify that the contents of paragraphs to my personal knowledge, and paragraph Age to to are true are believed to be true to the best of my knowledge or the legal advice given to me, and that I have not suppressed any material fact. Date : The Registrar, Railway Claims Tribunal, 2646 GI 189—5 Signature of the Full address 28 THE GAZETTE OF : EXTRAORDINARY



FORM III [P 11---SEC. 3 (i)] [See rule 5 of the Railway Claims Tribunal (Procedure) Rules, 1989]

Application under section 16 of the Act in respect of claims for refund of fares 01' part thereof or for refund of any freight paid in respect of animals or goods entrusted to a railway administration to be carried by railway. Title of the case S. No. 1. 2. 3. 4. 5

6. For use in Tribunal's Office

PART 1 PART I' INDEX Description of documents attached Date of filing or Page No. Signature of the applicant. CD 1. 2. 3

4. Date of Receipt by post Registration No. Signature for Registrar

PART 111 IN THE RAILWAY CLAIMS TRI BUNAL BENCH BETWEEN APPLICANT AND RESPONDENT Particulars of the applicant Name and Address. Particulars of the respondent/respondents Value of claim and details of application fee (1) Value of claims (2) Details of Application Fee Particulars of Bank Draft/Postal Order in respect of Application Fee : (i) Name and address of the Bank on which the Draft is drawn; (ii) Demand Draft No. and the Branch at which payable (i) (ii) (iii) or Number of Indian Postal Order(s) Name of issuing Post Office Date of issue of Postal Order(s) Post Office at which payable.

5. Full particulars of payment of fare/freight.(I) Claim for refund of freight. Date of Booking Freight paid 5 Railway Receipt or Parcel way Bill Station 29 Description of consign- ment 4 From Amount Refund of claims To 3 Money (2) Claim for refund of fare Date of journey 1 Train No. 2 Ticket or Ticket Deposit Receipt/ Excess Fare Ticket etc. Guards or Conductors' Certificate 5 6 Class of Travel 3 Fair paid Rs. 6 Receipt/Credit Note or other payment parti- c ulars 7 Class actually travelled 4 Refund Claimed Rs. 7 6. Date on which notice served in Railway Administration under Section 78B of Indian Railways Act, 1 890 (in respect of claims for refund of freight)—attach proof. *riäE GAZETTE OF INDIA : ÉXTRAORDINAkY (i) Facts of the case : [PART n—SEc. 3 (i) 7. 8. (Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible, a separate issue, fact or otherwise). (ii) (a) Nature of relief sought; and (b) Grounds of relief. Matters not previously filed or pending with any other Court. (State whether the applicant had previously filed any claim, writ petition or suit regarding the matter 9. 10. 1, in respect of which the present application has been made). In case the applicants had previously filed any claims, application, writ petition or suit? indi- cate the stage at which it is pend ing, and ifdecided, attach a certified copy of the Order. Jurisdiction of the Bench (ind icate the facts on the basis of which the Bench to which application is made, has the jurisdiction). List of enclosures : 1. 2. 3. 4

5. VERIFICATION {Name of the appli- Age resident of——do hereby verify that the contents of paragraphs are true to my personal knowledge, and are believed to be true to the best of my knowledge or the legal advice given to me, and that I have not suppressed any material fact. Signature of the applicant Full Address . cant) S/o, D/o, paragraphs Date : Place : To The Registrar, Railway Claims Tribunal to to —Bench



FORM IV [See sub-rule (5) of Rule 5 of the Railway Claims Tribunal (Procedure) Rules, 1989]. RECEIPT SLIP NO..... Received an application filed before Bench of the Railway Claims Tribunal on..... Date .. by Shri/Kumari/Smt.. For the Registrar of the Bench of the Railway Claims Tribunal 3(i)] 31 FORM V (See Rule 36) APPLICATION FOR THE REGISTRATION OF A CLERK I. Name of legal practitioner on whose behalf the clerk is to be registered

2. Particulars of the Clerk to be registered .(i) Full Name (in capital) (ii) Father's Name : (iii) Age and Date of Birth : (iv) Place of Birth : (v) Nationality : (Yi) Educational qualifications : (vii) Particulars of previous employment, if any : 1, Attested passport size photograph to be pasted. Clerk above named) do hereby amrm that the particulars relating to me given abo ve are true. 3. 4. 1, Signature of Clerk Whether the legal practitioner has a Clerk already registered in his employment and whether the Clerk sought to be registered is in lieu of or in addition to the Clerk already registered. Whether the Clerk sought to be registered or is already registered as a Clerk of any other legal practitioner and if so, the name of such practitioner. (legal practitioner) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any fact which would render unsuitable the registration of the said (name) as a Clerk. Further, I enclose Postal Order for Rs. 5.00 being the cost of Identity Card alongwith 2 passport size photographs of the applicant duly attested by me. Signature of the Legal Practitioner Full Address : Date : The Registrar Railway Claims Tribunal, —Bench, 32 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. g (i) S. Headquarters of the Bench of the SCHEDULE 1 (See Rule 3) Territorial jurisdiction of the Bench (3) No. (1) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16

17. Railway Claims Tribunal (2) Ahmedabad Bangalore Bhopal Bhubaneswar Bombay Nagpur Chandigarh Calcutta (2) Guwahati Ernakulam Gorakhpur Lucknow Jaipur New Delhi (2) Patna Madras Secunderabad Gujarat, Union Territory of Diu. Karnataka Madhya Pradesh Orissa (i) Districts of Bombay, Thane, Raigad, Pune, Nasik, Ahmed- nagar, Satara, Ratnagiri, Sindhudurg, Kollahpur, Sangli, Sola- pur, Dhule, Aurangabad, Beed of Maharashtra. (ii) Union Territories of Dadra, Daman and Nagar Haveli. (iii) Goa. All Districts of Maharashtra except those included in item (i) of column (3) against serial number 5. Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir and Union Territory of Chandigarh. West Bengal, Union Territory of Andaman and Nicobar Islands. Assam, Sikkim, Mizoram, Arunachal Pradesh, Tripura, Manipur, Meghalaya, Nagaland. Kerala, Union Territory of Lakshadweep. Districts of Gorakhpur, Deoria, Ballia, Gazipur, Azamgarh, Nau, Basti, Siddharthanagar, Mirzapur, Robertsgang, Jaunpur, Faiza- bad, Gonda, Bahraich, Sultanpur, Pratapgarh, Lakhimpur, Allahabad, Varanasi, Bareilly, Sitapur, Pilibhit, Nanital, Shahjahanpur, Badaun and Hardoi of Uttar Pradesh. All Districts of Uttar Pradesh except those included in column (3) against serial number 11. Rajasthan Union Territory of Delhi. Bihar Tamil Nadu and Union Territory of Pondicherry Andhra Pradesh SCHEDULE 11 APPLICATION FEE (See Rule 6) Every application under sub-section (l) of Section 14 of the Railway Claims Tribunal Act, be accompanied by fee in respect of filing of such application at the following rates : 33 1987 shall (i) Where the value of claim exceeds rupee I but does not exceed rupees 100. (ii) Where the value of the claim exceeds rupees 100 but does not exceed rupees 500. (iii) Where the value of the claim exceeds rupees 500 but does not exceed rupees 1,000. (iv) Where the value of the claim exceeds rupees 1,000 but does not exceed rupees 5,000. (v) Where the value of claim exceeds rupees 5,000 but does not exceed rupees 20,000. (vi) Where the value of claim exceeds rupees 20,000 but does not exceed rupees 30,000. Application fee payable Rupees 7.00 Rupees 7.00 plus 8 per cent on the amount exceeding rupees 100. Rupees 39 plus 7 per cent on the amount exceed- ing rupees 500. Rupees 74 plus 6 per cent on the amount exceed- ing rupees] ,000. Rupees 314 plus 5 per cent on the amount exceeding rupees 5,000. Rupees 4 per cent on the amount ekceeding rupees 20,000. (vii) Where the value of claim exceeds rupees 30,000 but Rupees 2 per cent on the amount does not exceed rupees 40,000. (viii) Where the value of claim exceeds rupees 40,000 but does not exceed rupees 50,000. (ix) Where the value of claim exceeds rupees 50,000 exceeding rupees 20,000. Rupees 1664 plus I per cent on the amount exceeding rupees 40,000 Rupees I , 764 plus 1/2 per cent on the amount exceeding rupees 50,000 RANJIT MATHUR, Officer on Special Duty, Railway Board, Prnted by the Manager, OOVt. of Indin Presq, Ring and published by the Controllor of Publicntions, Road, New Delhi-110064 1989