

51/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 272/02
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SECTION OFFICER (Judl.)

Kabili
29/11/17

(SEE RULE 42)

SENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 272/02

Mise Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant(s). Chandra Sekhar Azad Shehi

-Vs-

Respondent(s) R. O. I. Goms

Advocate for the Applicant(s) Bipul Sarma, Dipak Kr. Kolidev

Advocate for the Respondent(s) C.A. H.

Notes of the Registry	Date	Order of the Tribunal
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This application is in
form but not in time
Complaint Petition is
filed / not filed C. E.
for Rs. 10/- deposited
with I.C. No. 26-576132
Dated 26-8-02

27.8.02

Heard Mr. B. Sarma, learned counsel
for the applicant and also Mr. A. Chakraborty, learned counsel appearing on
behalf of Railway standing counsel.

Mr. B. Sarma, learned counsel for
the applicant stated that he may be allo-
wed to withdraw the application so that
he may take appropriate steps under law
in appropriate forum. Considering the
facts and circumstances of the case the
applicant is allowed to withdraw the
application leaving him open to approach the
appropriate forum for appropriate remedy

The application is dismissed on
withdrawal.

Order dtd 27/8/02
Communicated to the
Lawyers Council

mb

I C. U. Shyam
Member


Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH, GUWAHATI

28 AUG 2002

(An application Under section 19 of the Central
Administrative Tribunal Act, 1985)

Original Application No. 272/2002

Chandra Sekhar Azad Snehi

..Applicant

-Versus-

The Union of India & Ors., .. Respondents.

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Filed by
Deputy Secretary
Guwahati

Advocate
26/8/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

1
21/02/2002
further hearing date
X 10/02/2002

An application under Section
19 of the Central Administra-
tive Tribunal Act, 1985.

ORIGINAL APPLICATION NO.

/2002

BETWEEN:

Shri Chandra Shekhar Azad Snahi

... Applicant

-Vrs-

The Union of India & ors.

... Respondents.

1. DETAILS OF THE APPLICANT:-

Shri Chandra Sekhar Azad Snahi,
S/o. Shri Shyam Sundar Ram,
Chief Law Assistant,
N.F. Railway, Maligaon, Guwahati
Dist. Kamrup (Assam).

2. DETAILS OF THE RESPONDENTS:-

1. Union of India,

Represented by General Manager,

N.F. Railway, Maligaon, Guwahati-11.

2. The Chief Commercial Manager,

N.F. Railway, Maligaon, Guwahati-11

3. The Chief Claims Officer,

N.F. Railway, Maligaon, Guwahati-11.

contd...2.

Chandra Shekhar Azad Snahi

3. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS FILED/MADE:-

i) Proposed legal action (civil & criminal) contemplated against the applicant by ^{with a malafide intention} the Respondent in view of the order passed by the Railway Claims Tribunal in Review Application No. C.A. No. Rev/A/1346/99 dated 1-08-2002.

ii) Apprehension of proposed ^{malafide} action or purported action to be taken by the Respondent authority without any conclusion/valid foundation in respect of the decree of claim case awarded on 21-04-2000.

4. JUSTIFICATION OF THE TRIBUNAL:-

The applicant declares that the application is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATION:-

The applicant further declares that this application filed by the applicant before this Hon'ble Tribunal is within the time limit prescribed under section 21 of the Central Administrative Tribunal, 1985.

6. FACTS OF THE CASE:-

6.1 That the applicant is a citizen of India and a ~~permanent resident of~~ presently working as Chief Law Assistant in the office of the N.F.Railway

contd...3.

Chandra Shekhar Azad Snr.

Maligaon, and as such he is entitled to all the rights priviledges guaranteed under the Constitution of India.

6.2 That your applicant was initially appointed as Jr.Clerk on 15-1-90 and subsequently he was switched over the post of Law Assistant and thereafter he became Chief Law Assistant from 1-3-98.

6.3 That on 2-8-99 4055 Dn.Brahmaputra Mail met with an accident at Gaisal which is known as Gaisal Accident wherein 100 of persons/passengers were died and injured. Among the death list of persons one person namely Foch Narayan Prasad Yadav also alleged to have been died in the aforesaid train accident and accordingly his son Shri Mahendra Prasad Yadav resident of Itahari P.S. Naya Ram Nagar Dist. Munger(Bihar) has collected following certificates from the Railway authority at the accident site :-

- (a) Burning certificate.
- (b) Deadbody disposal certificate.
- (c) Special complementary pass &
- (d) Ex.Gratia of Rs. 25,000/-

and accordingly on 19/9/99 said Mahendra Prasad Yadav, the son of deceased/victim Foch Narayan Prasad Yadav preferred a claim application before the Railway Claims Tribunal/Kolkata and accordingly summon has been issued to the Railway respondent

contd...4.

Chandra Shekhar Amod Snah

and Railway respondent has filed written reply before the said Tribunal.

6.4 In the meantime your applicant has been deputed by the Railway authority for the purpose of enquiry wherein a details of questionnaire has to be collected and accordingly your applicant went to the respective places and collected the information as per questionnaires supplied by the Railway authority and part of enquiry on questionnaires submitted to the Railway administration on 2/12/99.

Copy of Questionnaire is enclosed herewith as Annexure-I to the petition. (at page 15, 16, 17)

6.5 That subsequently Railway authority has filed additional written reply wherein Railway authority has admitted that the deceased victim Shri Foch Narayan Prasad Yadav was a bonafide passenger of ill fated train and accordingly on 25/4/2000 the claim application decreed for an amount of Rs. 4 lakhs to be paid by the Railway authority to the claimant and accordingly the same has been paid.

Copy of aforesaid award passed by the Railway Claims Tribunal, Calcutta is enclosed herewith as Annexure-II. (at page 18, 19).

6.6 That thereafter a complaint alleged to have been received by the Railway authority against the payment of compensation to Shri

contd....5.

Chandra Shekhar Azad Guah

Shri Mahendra Prsaad Yadav and on receiving the aforesaid complaint respondent authority has deputed your applicant to enquire at Itahari, Munger, Patna and also directed to contact RBI to stop the payment of compensation amount and accordingly your applicant from 3/9/2000 to 11/9/2000 made an enquiry at Itahari village, Munger and collected all the information and recorded written statement of 31 persons of locality as well as the statement of claimant and the same has been filed by the applicant before the Railway authority on 14/9/2000. However, respondent authority (the Railway authority) has never produced the aforesaid document/enquiry report conducted by your applicant before the Railway Claims Tribunal, Kolkata.

Translated copy of the aforesaid enquiry report is enclosed herewith as Annexure-III(at page 20-27)

6.7 That the Deputy Chief Commercial Manager(Claims)/N.F.Railway, Maligaon on 29/8/2000 has written a letter to the Officer-in-charge, Nayaram Nagar Police station, Munger with a request to make an enquiry and submit a detailed report in respect of the aforesaid claim. In the said letter the Deputy Chief Commercial Manager(Claims) has stated that complaint has been received from villagers of Itahari that Shri Foch Narayan Prasad Yadav for whom an amount of Rs. 4 lakhs has been awarded compensation as dead victim of Gaisal accident is alleged to have been alive as it shows and Railway authority

contd....6.

Chandra Shekhar Azad Snali

also sought for sincere co-operation from the Police-in-charge.

Copy of the aforesaid letter
~~dated~~ issued by Deputy Chief
Commercial Manager(Claims)/N.F.
Railway, Maligaon is enclosed
herewith as Annexure-IV(at
page 28-29)

6.8 That the Officer-in-charge of Naya Ram Nagar Police station, Munger has filed a report wherein it is stated that Shri Foch Narayan Prasad Yadav was died in Pathankot Hospital in the year 1973. Accordingly the report submitted before the Tribunal by Railway respondent.

6.9 That again on 30/11/2000 Chief Claims Officer/N.F.Railway/Maligaon has written to the Officer-in-charge, Naya Ram Nagar Police station, Munger and asked to submit a detailed report whether Shri Foch Narayan Prasad Yadav has actually died in train accident at Gaisal on 2/8/99 and also to confirm whether he was died at Pathankot Hospital before 20 years as complained and accordingly the Officer-in-charge, Nayaram Nagar Police station on 30/11/2000 has submitted a detailed enquiry report with three affidavits being No.2167 dt 20/3/2005 777/2000.

contd...7.

Chaudhary Shekhar Azad Shahi

dt. 13/4/2000 and 3516/2000 dt. 14/9/2000 which were duly **sworn** before the Notary officer of Munger.

Copy of the aforesaid letter dt.

30/11/2000 and report dt. 14/4/2001

are enclosed herewith as Annexures

V & VI respectively. (at page 30
and 34).

6.10 That your applicant further begs to submit that in the meantime Railway authority has deputed Shri Ratan Majumder, Claims Inspector to enquire into the matter at Pathankot where Shri Foch Narayan Prasad Yadav was really treated in Pathankot Hospital or whether Shri Foch Narayan Prasad Yadav was died of cancer in the aforesaid hospital or not. Though the aforesaid enquiry was conducted by Shri Ratan Majumder but the record of the said enquiry report has not been produced before the Claims Tribunal by the Railway authority subsequently.

6.11 That respondent authority on the basis of the report, counter report, allegation, counter allegation has filed a Review application before the Railway Claims Tribunal, Kolkata bench on 17/7/2002 and your applicant appeared before the Railway claims Tribunal, Kolkata as an witness and your applicant was examined as per allegation made by the Railway authority and his statement has been recorded and Claims Tribunal has reserved the judgement on the said date i.e. 17/7/2002.

contd....8

Chaudhia Shekhar Azad Snali

6.12 That the Railway Claims Tribunal, Kolkata bench on 1/8/2002 has passed an order on Review application filed by the Railway authority N.F.Railway, Maligaon. The Claims Tribunal on Review application has elaborately discussed the case and disregarded the evidence of the Police Inspector as because the Police Inspector at Itahari could not produce any statement of witness from whom he has collected the information. On the otherhand your applicant was also examined and nothing has been come out on cross examination and it could not be established that your applicant has given false evidence.

6.13 It is further submitted that Railway Claims Tribunal has also in its Review order has observed that Railway authority has not taken any step to collect the vital evidence in support of the Review application. The Tribunal also observed that the Railway Administration could have taken aid of State Police and also Crime Investigation Department if the administration believe that his own employee i.e. your applicant is having hand in glove with the claimant and if so disciplinary action ought to have been taken against him. But till date it was not done. The learned Tribunal has given direction to the Railway authority to collect and place the vital evidence pertaining to the case and they may take aid from the State Police and C.I.D. and matter has been posted for further hearing on 3/12/2002 and till completion of the aforesaid enquiry.

contd...9

Chandra Shekhar Azad Smahi

Copy of the aforesaid order passed by Railway claims Tribunal dt. 1/8/2002 is enclosed herewith as Annexure-VII (at page 35 to 42).

6.14 That your applicant begs to submit that in view of the above order passed by the Railway Claims Tribunal, Kolkata the Railway authority decided and proposed to carry out penal action against your applicant and your applicant apprehends that N.F.Railway authority is proposing to put your petitioner under suspension without taking recourse to help of State Police and CID in order to complete and substantiate the charges/allegation/plea taken against him before the Railway Claims Tribunal, Kolkata bench. It is further submitted that report of the Officer-in-charge of Nayaram Nagar Police station dt. 30/11/2000 has not been produced before the Claims Tribunal nor the detailed Enquiry report conducted by Shri Ratan Majumder, Claims Inspector conducted at Pathankot were submitted before the Tribunal. Moreover, your applicant further begs to submit that subsequently detailed enquiry conducted by the applicant dated 30/8/2000 were not produced before the Tribunal alongwith written statement of 31 persons. Therefore, Learned Tribunal was not in a position to arrive at a conclusion in the Review application filed by the Railway administration. Hence the matter has been posted for further hearing on 3/12/2002.

contd...10.

chandra Shekhar Azad Snaki

7.0 GROUND FOR RELIEF WITH LEGAL PROVISION:-

7.1 For that in view of the order passed by the Learned Railway Claims Tribunal in the aforesaid Review Application your applicant shall not be subject to harassment and he should not be suffered.

7.2 For that respondent Railway authority knowing fully well failed to submit subsequent enquiry report conducted by Nayaram Nagar Police station as well as Enquiry report conducted by Claim Inspector of Railway at Pathankot and Railway authority has intentionally suppressed the material fact and evidence with a malafide intention which are in favour of your applicant with a motive behind to single out your applicant.

7.3 For that your respondent authority was given specific direction to take aid from State Police and CID by the Railway Claims Tribunal, Kolkata bench in order to complete and bring out the real truth, which in fact the Railway authority failed to do so. Hence the respondent authority is not entitled to take out or carry out any proposed legal action against your applicant unless respondent authority satisfied the Railway Tribunal with facts and truth.

7.4 For that respondent authority have gone great injustice to the applicant by proposing to take legal and disciplinary action without producing vital enquiry report made by the applicant as well as enquiry report submitted subsequently by the Police officer, Nayaram nagar Police station along

contd...11.

chandra Shekhar Azad Smk

with statement of witnesses. Hence submission made by the Railway administration before the Claims Tribunal for carrying out legal action and proposing to carry out legal action against the applicant and/or preemptive legal action which are proposed to be on the presumption taken against the applicant is bad in law and illegal.

7.5 For that ~~examined~~ respondent authority have suppressed the material fact from the eye of Railway Claims Tribunal by not producing the vital Enquiry report conducted by its own officer at Pathankot and hence proposal for any legal action in view of the order passed by the Tribunal at this stage will be bad in law and shall adversely affect the career of your applicant and as a result your applicant will suffer irreparable loss and great injury in his career and hence it is a fit case for giving proper direction to protect the applicant from and any preemptive/proposed action being taken by the Railway authority ~~which is malafide and tainted with an ill intention~~

7.6 For that the respondent having ~~desert~~ deliberately doing injustice to the applicant by not producing the vital record and enquiry report before the Claims Tribunal for arriving at a decision which are in favour of your applicant.

8.0 DETAILS OF REMEDIES EXHAUSTED:-

That your applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him, except to approach before this Hon'ble court at this stage.

Chandra Shekhar Azad Snah contd...12.

9.0 MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT OR TRIBUNAL:-

That the applicant declares that no case is now pending before any court or Tribunal regarding the same subject matter.

10.0 RELIEF SOUTHT FOR:-

Under the above facts and circumstances the applicant prays for the following reliefs:-

i) In view of the Hon'ble Tribunal order dt. 1/8/2002 Respondents be directed not to take any legal action or any proposed legal action against the applicant till the Review application is decided by the Learned Tribunal, Kolkata bench.

ii) That the respondent authority be directed to produce all the material records, enquiry reports to be submitted before the Learned Claims Tribunal which supported the case of your applicant.

iii) The respondent authority be restrained from taking any legal action or penal action which are proposing by the Railway authority and which are contemplating to take any action against the applicant till the decision of Review application pending before the Tribunal.

iv) Any other relief or reliefs entitled to the applicant may also be granted.

contd....13.

chandra Shekhar Azad Guha

11.0

PARTICULARS OF THE I.P.O.:

I.P.O. No. TQ SF 6837

Date: 26/8/02

Payable at: Guwahati.

12.

LIST OF ENCLOSURES:

As stated above.

Verification.

contd...14

chandra Shekhar Azad Snah

VERIFICATION.

I, Shri Chandra Shekhar Azad Shahi S/o.

Shri Shyam Sundar Ram aged about 36 years working
as Chief Law Assistant under Chief Claims Officer
N.F.Railway, Maligaon, Guwahati-11 Assam do hereby
solemnly affirm and verify that the statements made
in paragraphs 1, 2, 3, 5, ~~6~~, 7, 8

are true to my knowledge and those
made in paragraphs 3, 6

being the matters of records are
true to my information and the rest are my humble
submission made before this Hon'ble Tribunal and
I have not suppressed any material facts of the
case.

And I sign this Verification on this day
26th of August /2002 at
Guwahati.

Chandra Shekhar Azad Shahi

DECLARATION.

ANNEXURE-I

Case No. _____ Application No. A/1346/99

QUESTIONNAIRE

(For death/injured)

Name of the enquiry official : C.S. Azad Snahi
Designation : CLA
Place of enquiry : Itahari Munger(Bihar)
Name of the claimant with : Mahendra Prasad Yadav.
Address :

DETAILS OF QUESTIONNAIRE

1. Full name & address of deceased/ Lt. Foch Narayan Prasad
Yadav.
Vill & PO - Itahari
PS - Naya Ram Nagar,
Dist. Munger.

2. Age of the deceased on : 77 yrs.

the date of accident.

3. Educational Qualification : Graduate.

4. Occupation of deceased/ : Agriculture & business.

injured person at the
time of accident with
place of work.

5. Object of journey and in : Returned from Kamakhya
which class: temple to his native
place in IIInd Class.
Ex. KYQ to JMP.

6. Name & address of the : Does not arise.

employer if deceased in
deceased in service

contd...2.

- 2 -

7. If any expenditure was incurred - Does not arise.
owing to injuries alleged to
have been sustained. Give full
details with Vouchers, if any.

8. Name & address of the Doctor - Does not arise.
who attended the treatment of
the person for injury(ies) or
who certificate of death of
the person,

9. Details of pain & sufferings - Does not arise.
and reaschs thereof.

10. Whether such injury(ies) causes - Does not arise.
any loss of earnings, if so
to what extent ?

11. Whether such injury(ies) causes - Does not arise.
any disabilment, If so, give
details.

12. Name of dependents of the - Mahendra Prasad
deceased and relationship
and their age.
Yadav, Son -
47 years

13. Certified copy of Death -

WITNESS

1. Name - Ashok Kumar.
2. Signature - Sd/- Ashok Kumar
3. Social Status of the witness - Agriculaute(Farmer)
4. Address - Vill & PO -Itahari, Munger.

Date _____

I affirm that the above informations are true
to the best of my information, knowledge and belief.

Sd/-

(Mahendra Prasad Yadav)

Claimant/person giving
to information.

contd...3.

- 3 -

The above statements are recorded by me in presence of above witness and the information given being satisfied signed this Questionnire.

Signature Sd/- C.S.Azad Snahi

Designation - C.L.A.

Date 9/11/99

NOTE: Please obtain these
informations in
duplicate.

BEFORE THE RAILWAY CLAIMS TRIBUNAL CALCUTTA BENCH
CALCUTTA

QUORUM: HON'BLE CHAIRMAN
HON'BLE MEMBER (TECHNICAL)

JUSTICE D. S. DHALIWAL
SRI K. K. MITRA

Case No. A/1346/99

Mahendra Prasad Yadav Only
(Resident of Itahari,
Naya Ramnagar, Monger)

Union of India through
General Manager/NF Rly/Maligaon

Respondent

Value of Claim : Rs 6,00,000/-

Date of Institution: 20/09/1999

Date of Decision 21/04/2000

PRESENT : Shri S. Mitra
Shri J. Mondal

Counsel for the applicant
Presenting Officer for
Railway Administration.

JUDGMENT.

On 2/8/99 at about 1.55 AM down Brahmaputra Mail collided with Awadh Assam Express near Gelsal in NF Railway resulting in large scale deaths of passengers. Sri Mahendra Prasad Yadav has filed this application for compensation under Section 16 of the RCT Act claiming compensation for the death of his father Foch Narayan Prasad Yadav who allegedly died in the abovementioned train accident.

The respondent filed written statement admitting the accident but denying all the material averments made in the claim application. However at the time of framing of the issues the respondent filed an additional written statement admitting the deceased Foch Narayan Prasad Yadav to be a bona fide passenger of the ill-fated train.

Keeping in view of the aforesaid written statement and the pleadings of the parties following issues are framed :

1. Whether the applicant is sole dependent of Foch Narayan Yadav, deceased ?
2. To what amount, if any, the applicant is entitled to as compensation ?
3. Relief.

In support of his claim the applicant tendered into evidence Burning Certificate Ex A-1 and Disposal of the dead body certificate Ex A-2. Sri Mahendra Prasad Yadav the applicant also deposed before the Tribunal that his father late Foch Narayan Prasad Yadav died in the train accident and that his mother died long back. He further deposed that he is the only son of his father and he is having no sister married or unmarried. No evidence was led by the respondent.

2
p.t.o. (2)

-19-

We have heard the Counsel for the applicant, the Presenting Officer for the respondent and have carefully perused the entire materials on record. Our issue-wise findings are as under :

Issue No.1. Shri Mahendra Prasad Yadav in his deposition before the Tribunal has testified that late Foch Narayan Prasad Yadav aged about 77 years expired in the train accident at Gaisal. He also testified that he is the sole dependant of the deceased.

He also affirmed that his mother had died long back and he has no sister married or unmarried and he is the only son of his father.

The respondent has not led any evidence in rebuttal.

We, therefore, hold that the applicant is the only dependant of the deceased passenger Foch Narayan Prasad Yadav. This issue is decided accordingly.

Issue No.2. The applicant has claimed Rs Five Lakhs in his claim application as compensation for the death of his father in the Railway accident. In addition he has claimed compensation for the loss of a bag containing clothes and cash of Rs One thousand. He has, however, not produced any evidence to substantiate his claim for the loss of bag and cash.

The Railway Accident and Untoward Incidence (Compensation) Rules 1997, provides for a lump sum compensation of Rs Four lakhs in case of death of a passenger in a train accident. It is, therefore, held that the respondent is liable to pay only Rs Four lakhs as compensation in this case to the applicant, which will include compensation for loss of luggage and cash, if any. This issue is decided accordingly.

Issue No.3. Taking into account what has already been elaborated in our findings on Issues No.1 and 2, we award compensation of Rs Four lakhs to be paid by the respondent to Sri Mahendra Prasad Yadav, the applicant. The Railway Administration shall pay the abovementioned compensation amounts within a period of two months from the date of this order to the applicant failing which the decree holder will be entitled to simple interest @ 12% p.a from the date of this order till payment is made.

File to be consigned to record room.

Proounced :

Date : 25-4-2000

(Justice D S Dhaliwal)
Chairman

Shri K K Mitra
Member (Technical)

certified to be a true copy of the
document in my custody.

Additional Assistant Registrar,
Railway Claims Tribunal,
Calcutta.
Authorised under Act 1 of 1962

Date of Application 25.4.2000
for the copy I ...

Date on which the copy
is ready for delivery }
Date of making over the }
copy to the applicant } 1/5/2000

ANNEXURE III

23
We the villagers of Vill-Itahari P.O. & P.S. Naya Ram Nagar Dist. Munger do hereby deny that there was any meeting on 24-7-2000 in our village i.e. no meeting was held in Itahari on 24-7-2000. The allegations brought against M.P.Yadav is false. M.P.Yadav's father Foch Narayan Prasad Yadav died in the Gaisal train accident. We give witness to this fact. Because M.P.Yadav himself gave this information to the villagers and performed his funeral rights of his deceased father and also the sradh in the village. In fact his father is dead.

Villagers of Itahari

(1) Anil Kumar Singh
S/o. Chandra Deo Singh.
(2) Yogendra Singh
S/o. Lt. Brahmdeo Singh.
(3) Ashok Kumar
S/o. Shri Babulal Singh
(4) Wablu Kumar Singh
S/o. Shri Rajendra Prasad Singh
(5) Lalan Kumar
S/o. Jagdambi Kumar
(6) Dinesh Pd. Singh
S/o. Kapildeo Singh.

To

Chief Claims Officer,

N.F.Railway/Maligaon

through Chief Law Assistant, N.F.Rly, Maligaon.

*Signs Declarer
Singer (Name)
Tennale*

ANNEXURE III

I, Devendra Prasad Yadav, am a resident of Vill. Bhagichowk P.O. Jamalpur P.S. Naya Ram Nagar Dist. Munger and this is my present address where I had been living in Itahari village before three years. I was not available on 24-7-2000 in Itahari village and I do not know about any meeting held at Itahari. The signature in the complaint letter is not of mine. In stead of me that signature might be given by somebody else. I have given my signature below which is the actual one.

So far as the question of my uncle Late Foch Narayan Yadav is concerned, he is not alive.

Yours faithfully,

Sd/- (Devendra Pd. Yadav)

S/o. Lt. Chat Narayan Pd.

Yadav

Vill. - Bhagichowk

P.O. Jamalpur

PS Naya Ram Nagar

Dt. Munger

Date: 3/9/2000.

ANNEXURE III

To

Chief Claims Officer,
N.F. Railway, Maligaon,
Guwahati-11.

Sir,

Sub:- Regarding Mahendra Prasad Yadav's
deceased father Late Foch Narayan
Yadav Vill & P.O. Itahari P.S.
Naya Ram Nagar, Dist. Munger.

With reference to the above we the villagers
of Itahari inform you that

1. No panchayat was held in the village on 24-7-2000. Neither about the matter of M.P. Yadav's father nor others.
2. The complaint dt. 5-8-2000 to you contained false signatures and the signatures were ~~xxx~~ not of bonafide persons.
3. According to information the death of Foch Narayan Yadav, F/o Mohindra Prasad Yadav occurred due to Gaisal train accident on 2-8-99.
4. Mahindra Prasad Yadav created a statue (Posputra) in the name of his father at the local cremation ground as per Hindu rituals and performed his Sradh wherein most of the people of our village were present.

Yours faithfully,

dt. 7-9-2000.

1. Ram Ratan Singh (Advocate)
2. Pintu Kumar S/o. Lt. Ganga Pd.

Singh,

3. Gaurab Kumar Gautam.

contd...2.

- 2 -

4. Amit Kumar

5. Abhay Nandan Singh

6. Brajesh Kumar S/o.

Lt. Naresh Pd. Singh

7. Mukesh Kumar

8. Vipin Kumar

9. Arbind Kumar Singh (Advocate).

10. Arun Kumar Singh

11. Alok Kumar Pandey

12. Amol Kumar

13. Vipin Singh S/o. Ram Chandra

Singh.

14. Ranjeet Kumar

15. Lalan Kumar Singh, S/o. Ram

Chandra Singh,

16. Hemendra Kumar Singh

17. Bablu Kumar

18. Ramji Kumar

19. Sanjeev Kumar

20. Sanjay Kumar

21. Manoj Kumar.

ANNEXURE III

I, Shri Mahindra Prasad Yadav aged 48 years
S/o. Late Foch Narayan Prasad Yadav, Vill-Itahari
PS Naya Ram Nagar, Dist. Munger do hereby depose
before Chandra Shekhar Azad Snahi, Chief Law Assis-
tant, N.F.Railway, Maligaon on 7-9-2000 that my father
Prasad
Late Foch Narayan/Yadav, S/o. Late Dip Narayan Pd.
Yadav expired on 2-8-99 in the train accident at
Gaisal Rly. station. For this I have claimed for
compensation before RCT/Kolkata as per law. After
examination of my claim I was awarded compensation
for which payment was made to me. I acknowledged the
receipt of the cheque. My claim is fully genuine.

If my claim is proved false then I shall be
preferred to repay the entire amount paid to me.
I shall be liable for any civil or criminal procee-
dings for this. I have given this statement before
you with my full conscience without any allurement,
fraud, pressure.

Yours faithfully,

Sd/-Mahindra Prasad Yadav.

ANNEXURE III

I, Shri Sakal Deo Pandey s/o. Late Saryug Pandey, am a resident of Vill & P.O. Itahari, Dist. Munger.

And also an employee of Itahari Branch Post office.

So far my knowledge is concerned Foch Narayan Yadav F/o. Mahindra Yadav died at Gaisal Rly. station in Tissukia Mail. Later on his Sradh was done as per Hindu custom in village Itahari. I know Mahindra Yadav personally.

Yours

Sakal Deo Pandey,

11-09-2000

No letter comes in the name of Foch Narayan Yadav in this Post office.

Sakal Deo Pandey.

(SEAL).

11-9-2000

ANNEXURE-III

Singh
I, Shri Ashok/s/o. Late Lukho Singh, a
resident of village & P.O. Itahari, Dist. Munger.
And also working as the Postmaster of Itahari
Branch Post office.

So far my knowledge is concerned, Mahindra
Yadav is the son of Late Foch Narayan Yadav.
According to Mahindra Yadav Late Foch Narayan
Yadav died in the Gaisal train accident. Therefore,
returning from Gaisal he performed the sradh
according to Hindu custom.

I know Mahindra Yadav. He is a resident of
Itahari village. No letter has been received in
this post office in the name of Late Foch Narayan
Yadav.

Yours

Sd/- Ashok Singh.

Branch Postmaster/Itahari.

(SEAL).

11-9-2000

ANNEXURE- III

I, Nabin Kumar Singh s/o. Late Satya Narayan Prasad Singh is residing in vill & P.O. Itahari, Dist. Munger.

Mahindra Prasad Yadav is well known to me personally. The death of his father Foch Narayan Yadav occurred in Gaisal Train accident.

Therefore, he performed his father's sradh according to Hindu custom in his village wherein I participated.

Sd/- Nabin Kumar Singh

11-9-2000

To
 Officer-in-charge/Inspector,
 Naya Ram Nagar Police Station, Munger,
 Dist. Munger(Bihar).

Dear Sir,

Sub:- Enquiry against Foch Narayan Prasad Yadav
 S/o Dip Narayan Prasad, Vill. & P.O. Itahari,
 P.S. Naya Ram Nagar, Dist. Munger(Bihar).

One person named Mahendra Prasad Yadav, S/o Foch Narayan Prasad Yadav, Vill. & P.O. Itahari, P.S. Naya Ram Nagar, Dist. Munger had filed an application before Railway Claims Tribunal/Calcutta for payment of compensation due to death of his father, Foch Narayan Prasad Yadav in the train accident at Gaisal Rly. Station on N.P.Rly. on 2.8.1999. The Hon'ble Rly. Claims Tribunal/Calcutta has decreed Rs. 4 lac against his claim application No.A/1346/99 as per provision and the payment of the decretal amount have been arranged by the N.P.Rly. Administration in favour of Mahendra Prasad Yadav, S/o Foch Narayan Prasad Yadav through a cheque No. #635000 dt. 26.5.2000 drawn on Reserve Bank of India, Patna.

Now, a confidential letter has been received by this Office which is written by the villagers of Gram Panchayat-Itahari, P.S. Naya Ram Nagar, Dist. Munger, which shows that Foch Narayan Prasad Yadav, S/o Mahendra Prasad Yadav is still alive and he managed to claim the compensation of 4 lac on the basis of false and fabricated documents.

In view of the above, since it is a serious matter, you are requested to please make an enquiry from your end whether Foch Narayan Prasad Yadav, S/o Dip Narayan Prasad, Vill. & P.O. Itahari, P.S. Naya Ram Nagar, Dist. Munger is alive/survived and a detailed report in this regard may kindly be sent to the undersigned early.

Sincere co-operation from your end will be highly appreciated.

Yours, faithfully,

Parimala
 (K. K. SUKLIKA(BX))
 Dy. Chief Commercial Manager/Claims
 for General Manager/Claims.

Copy to: Superintendent of Police, Munger, Dist. Munger-811201 (Bihar) for kind information please. He is requested to

(contd.....2)

-(2)-

(He is requested to) arrange an enquiry through controlling Police Station whether Poch Narayan Prasad Yadav, S/o Dip Narayan Prasad Xuday, Vill. & P.O. Itahaxi, b.s. Naya Ram Nagar, Dist. Munger is alive and enquiry report may please be sent to the undersigned for taking further necessary action.

(K. K. SUKLANI IDYA)
Dy. Chief Commercial Manager(Claims)
for General Manager(Claims).

Office of the
Chief Claims Officer,
H.E.Railway, Muzaffarpur,
Bihar-823001.

10.C/AC/143/RCI/10/99-Cal.

Dated 13-11-2000.

To,
Officer-In-Charge,
Police Station-NAYARAM NAGAR,
M.S.I., Dist.(Munger) Bihar.

Dear Sir,

Sub:- Enquiry against Foch Narayan Yadav,
S/O Late Dip Narayan Prasad Vill. and
P.O. Itahari, P.S. Nayaram Nagar,
Distt. Munger(Bihar).

Reff:- Your Memorandum No. 171/2000 dt. 17.10.2000.

Please refer to your Memorandum cited above. In this regard, it is mentioned that, on request of this office, an enquiry was made by your end, regarding the death of Late Foch Narain Yadav, S/O Late Deep Narain Prasad Yadav of Vill & P.O. Itahari, P.S. Nayaram Nagar, Dist. MUNGER(Bihar), which revealed that Late Foch Narain Yadav had died about 20 years ago due to cancer and his son, Sri Mahendra Prasad Yadav wrongly received ex-gratia amount and compensation from the Rly. Administration on the basis of fabricated documents showing that his father/Late Foch Narain Yadav died in the train accident at Gaisal Rly. Station on 02.8.99.

*Afternto
S. P. Mukherjee
B.M.C. 12/10/00*

It is mentioned that Sri Mahendra Prasad Yadav had visited the accident site at Gaisal Rly. Station and identified a dead body No. Male-26 as his father's dead body on 6.8.2000 and on that very basis he managed to obtain a burning certificate from Siliguri Municipal Corporation, Municipal Crematorium, Kiran Ch. Burning Ghat, Siliguri and a certificate of disposal of dead body (Photocopies are enclosed). It may be noted that Sri Mahendra Prasad Yadav had signed the death certificate in English and the same was witnessed by Jogendra Yadav, S/O Shub Nandan Yadav of Village Ratanpur, P.O. Itahari, P.S. Nayaram Nagar, Dist. Munger, Bihar.

In this connection, it is also revealed from your report that one Railway Inspector is also involved to get compensation by said M.P.Yadav for the death of Late Foch Narayan Yadav and in this regard a Joint Account was also opened in a Bank of Munger District in the name of Mahendra Prasad Yadav and another of the said Railway Inspector. It is also mentioned in your enquiry report that since the Railway Inspector failed to settle his share in the compensation of amount Rs. 4 Lakhs from Sri M.P.Yadav, he (Railway Inspector) managed to send a complaint to this office stating that the case of Sri M.P.Yadav is false and fabricated and he (Sri M.P.Yadav) wrongly received the ex-gratia and compensation amounts.

Contd..2.

It is mentioned that one Railway staff (Sarkar Azad) who is working in this office in the capacity of Chief Clerk Assistant, was deputed by this office to conduct the enquiry about the death of Foch Narayan Yadav who had reported that Foch Narayan Yadav died in Train Accident at Gaisal on 2.8.99 as confirmed by Sri M.P.Yadav and his neighbour Ashok Kumar resident of Village Itaheri, Munger.

Certainly it is a very serious matter as noted by the Railway Administration and it is decided by the Administration to take necessary legal action (Civil & Criminal) against the above named Railway employee and Sri M.P.Yadav for which concrete evidences are urgently required by the Railway Administration to initiate proceedings against them.

In view of above, kindly help the Railway Administration to prove the death of Late Foch Narayan Yadav 20 years before due to cancer and ascertain also the name of the Bank and joint Account No. alongwith the name and address against whom the said account was opened.

It is also requested to collect the evidence in writing from the co-villagers of M.P.Yadav and his relatives whether the photographs of dead body No.M-26 is of Late Foch Narayan Yadav.

It is further requested that, if a clear criminal case is made out through the Police investigation, kindly, arrange to file a criminal case against the culprits with initiation to this office.

It is mentioned that this in this regard a review petition filed by the Railway Administration in case No.A/1346/99 fixed for hearing in Jan'2000 before the Railway Claims Tribunal/Calcutta. As such early action is solicited enable this office to submit a report in the above light before the Hon'ble Tribunal on or before 04.01.2001.

Yours faithfully,

(R.K. THANGA)
Chief Claims Officer.
N.F.RAILWAY, NALIGAON.

Encl: As above.

Copy to :
1. Superintendent of Police, Munger, Distt. Munger for information and necessary action please.

(R.K. THANGA)
CHIEF CLAIMS OFFICER.
N.F.RAILWAY, NALIGAON.

ANNEXURE-VI

To

The General Manager/Claims,
N.F.Railway, Maligaon Zonal Office,
Maligaon, Guwahati, Assam.

Ref:- No. C/AC/143/RCT/10/99/Cal dt.30-11-2000

Sub:- Regarding enquiry report of Foch Narayan
Yadav s/o. Late Dip Narayan Yadav Vill-
Itahari P.S. ~~Munger~~ Naya Ram Nagar,
Munger.

Sir,

With reference to the above letter this is to inform you that examined about the above cited person in vill-Itahari. I asked the senior people of the village secretly. All of them stated the death of Foch Narayan Yadav to be true. But nobody said about his death from cancer. The villagers said about train accident.

The funeral of dead body No.M/26 identified and cremated at Siliguri Cremation Hall by M.P. Yadav is true for which you have enquired. M.P. Yadav alongwith one Jogendra Yadav of vill Ratanpur identified the dead body and cremated there in Cremation Hall. The certificate of which is with M.P.Yadav. ~~Now~~ I tried to meet Jogendra Yadav but could not get him for the position could not be made clear. After death of his father he went to village and performed sradh by making an effigy and gave the bhoj to the villagers.

contd...2.

Handed
CERTIFIED TRUE COPY
Niraj Kumar Dhal
Advocate

- 2 -

You have asked about joint pass book account in the name of Railway Inspector and M.P.Yadav, I examined the matter at SBI/Jamalpur. The pass book is in the name of M.P.Yadav and the number of which is 01190006663 with cheque facility. The Railway Inspector having share with the pass book is not true, It is true that Rly. Inspector Chandra Shekhar Azad Snahi's residence is under P.S. Mufashil of village Shankarpur, Munger. The report of Rly. Inspector is quite true. That is why no criminal case could be instituted against Rly. Inspector Chandra Shekhar Azad Snahi and Mahindra Prasad Yadav.

You have written to examine into the death of Foch Narayan Yadav from cancer. The matter was examined with secretly and openly. But despite my best effort none of the villagers stated the death of Foch Narayan Yadav to have occurred as a result of cancer.

An application consisting of the signatures of the villagers stated that the death of Foch Narayan Yadav occurred due to train accident..

Pankaj Kumar Singh S/o. Gopi Singh vill- Itahari, Devendra Prasad Yadav S/o. Lt.Chet Narayan Yadav vill-Itahari via Bhagichowk, Lalan Kumar Singh s/o. Swadh Narayan Singh declared on oath by swearing an affidavit No.2167/2000 dt. 20-3-2000, 5777/2000 dt. 13-4-2000 and 3516/2000 dt.14-9-2000

contd...3

- 3 -

before Notary that death of Poch Narayan Yadav occurred as a result of train accident. These people were not present before me but affidavits were collected, xerox copy of which are sent herewith.

That is why in the light of the above mentioned letters I would like to make it clear that there was no joint account in the name of Rly. Inspector and Mahindra Prasad Yadav.

This is for your information.

Submitted

Vilash Paswan

14/4/2001

Police Inspector

Ram Nagar Police station.

• • •

1971
Received 3rd Dec 2002

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रेल दावा अधिकरण
कलकत्ता न्यायपीठ
RAILWAY CLAIMS TRIBUNAL
Kolkata Bench



GM/NFR Rlys. : Applicant
vs

M. P. Yadav Respondent

Claim Application No. R.Cv/1/1346/99 of

ORDER SHEET

No. & Date	Order Passed with Initials	Action taken
23 17.7.02	Present:- Lt. Advocate Shri A.K. Ghosh for the Applicant. Lt. Advocate Shri S.S. Srivastava for the Respondent.	Statement of Shri Chandra Shekhar Azad Snahi has been examined. Heard arguments. Judgment reserved.

Member (Tech.)

Member (Judg.)

Deemed to be a true copy of the document in my custody.

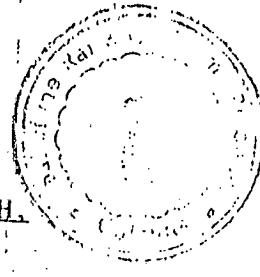
Carried under - 13/7/02
Additional Assistant Registrar
Railway Claims Tribunal
Kolkata Bench
Authorised under Act. 101 T

Case of application
for the copy is
Date on which the copy
was sent for delivery - 13/8/02
R.P. is holding over this
copy for the plaintiff.

SEARCHED BY

13/8/02

BEFORE RAILWAY CLAIMS TRIBUNAL, KOLKATA BENCH,
KOLKATA.



QUORUM : HON'BLE MEMBER(JUDG.), SHRI B.D.S. SRIVASTAVA
HON'BLE MEMBER(TECH), SHRI K.K. CHAKRABARTY

C.A.No. Rev/A/1346/99

Union of India through the General Manager, N.F. Railway,
Malgaoon. Applicant.

VERSUS

Mahendra Prasad Yadav. Respondent.
(Residing at Vill & P.O.: Itahari, P.S. Naya Ramnagar, Dist.
Munger, Bihar)

PRESENT : Shri A.K. Ghosh, Ld. Advocate for the Applicant.
Shri S.S. Srivastava, Ld. Advocate for the Respondent.

O R D E R

An application for review has been filed by Union of India represented by N.F. Railway, Maligaon.

It has been stated in the application that in Case No. A/1346/99 was decreed by Division Bench on 25.4.2000 awarding a compensation amounting Rs.1,00,000/- in favour of Shri Mahendra Prasad Yadav on account of alleged death of his father, Foch Narayan Yadav in Gaisal train accident on 2nd of August, 1999. Another case bearing No.1757/99 filed by one Sarvesh Kumar was also decreed by Division Bench on 10th of July, 2000 on account of death of his father, Keder Prasad Sarma in Gaisal train accident on 2nd of August, 1999. The orders of the Tribunal in Case No.A/1346/99 has been satisfied by the Railway Administration and satisfaction of orders passed in Case No.1757/99 is under process. It has further been pleaded that in the meantime, it was learnt by the Railway Respondent that in both the above cases, both the claimants had identified one and

one

Contd. 2

: 2 :
C.A. Rev/A/1346/99

the same photograph of a deceased person and submitted before the Tribunal that the said photographs were that of deceased fathers.

"In view of the above facts your honour to please review the orders dated 25.4.2000 passed in Application No A/1346/99, and the order dated 10.7.2000 passed in the Application No.A/1757/99, recalling the parties concerned for further verification of the truth of the case.

Further, it is also prayed to pass an order to hold up the satisfaction of decree in Application No.1757/99 till the further order in review of the case."

BACKGROUND OF THE CASE :-

Mahendra Prasad Yadav filed a Case No.A/1346/99 against the General Manager, N.F. Railway, Maligaon in the Tribunal for awarding compensation amounting Re.5,00,000/- on account of death of his father, Foch Narayan Yadav who allegedly died in Gaisal train accident on 2nd of August, 1999. It was pleaded in the application that the deceased was travelling from Guwahati to Jamalpur in the ill-fated train on a valid journey ticket and an U.D. Case No. 9/99 dated 2.8.99 was also registered at GRPS, Dalkhola wherein the name of the deceased was also inserted in the column of the dead persons. The Post Mortem on the body of the deceased was conducted at Sub-Divisional Hospital, Islampur. The applicant, Mahendra Prasad Yadav was also granted ex-gratia payment of Rs.25,000/-. A certificate was also granted by Siliguri Municipal Corporation regarding the death of his father and he was also issued a special complementary railway pass on which he travelled back his native place.

Contd..3

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C.A. No. Rev/A/1346/99

Respondent Railway filed Written Statement in this case. The matter was heard by Division Bench comprising Hon'ble Mr. Justice D.S. Dhaliwal, the then Chairman and Shri K.K. Mitra, Hon'ble Member (Technical). The Bench after appraisal of the evidence, accepted the application and ordered the Railway Administration to pay a sum of Rs.4,00,000/- by way of compensation to the applicant, Mahendra Prasad Yadav.

It would be pertinent to note that no photograph of the deceased was filed at the time of hearing either by the applicant or by the Respondent Railway. The applicant in documentary evidence furnished Burning Certificate of the deceased, a certificate of disposal of dead body issued by the Railway Administration. Admittedly, after delivery of the judgment in this case, Railway Administration issued a cheque amounting Rs.4,00,000/- in the name of the applicant, Mahendra Prasad Yadav which was credited to his Bank Account.

The second limb of the story that a complaint signed by some persons of village Itahari, P.O. Itahari, P.S. Naya Ramnagar, Dist. Monger (Bihar) was sent to General Manager, H.F. Railway which was received in his office on 18th of August, 2000. It was mentioned in the complaint that Mahendra Prasad Yadav has played a fraud in the Tribunal in collusion with some other persons. He filed an application for compensation on the basis of the photograph which was not of his father. Foch Narayan Yadav and the applicant, Mahendra Prasad Yadav in collusion with railway staff and some other persons have wrongly received compensation amounting Rs.4,00,000/-. It appears that after

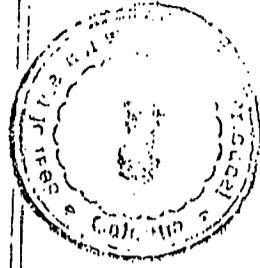
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C.A. No. Rev/A/1346/99

receipt of the complaint, the then Dy. Chief Commercial Manager, N.F. Railway, Shri K.K. Suklabaidya referred the matter to Officer-in-charge/Inspector, Naya Ramnagar Police Station, Munger for investigation of the truth. Simultaneously, Railway Administration also wrote a letter on 20.10.2000 to the Branch Manager, State Bank of India, Jamalpur Branch to stop payment of the compensation amount from S.B A/C No.2500. The matter was possibly enquired by one Naresh Kr. Yadav, In-charge of Police Station, Naya Ramnagar and he intimated the General Manager, N.F. Railway, that on enquiry he came to know that father of the applicant, Mahendra Prasad Yadav died 25 years ago and by playing a fraud on the officers of the Respondent, the applicant, Mahendra Prasad Yadav has succeeded to get a claim of Rs.4,00,000/- on the ground of alleged death of his father, Foch Narayan Yadav in the Gaisal train accident. Inspector further reported that Foch Narayan Yadav was suffering from oral cancer and was get hospitalised by the then M.P. Shri D.P. Yadav in a hospital of Pathankot and he died there. He also came to conclusion that Inspector ^{belonging} pertaining to the Railway Administration is also in collusion with Shri Mahendra Prasad Yadav. Further, Railway Administration wrote another letter on 30.11.2000 to Officer-in-charge, Naya Ramnagar P.S. requesting him to furnish the material on which the Inspector arrived at a conclusion that father of Mahendra Prasad Yadav had died much earlier. A further request was made that Police will arrange a criminal case against the culprits. It has further been mentioned that one Shri Chandra Sekhar Azad Snehi who is working in the office of General Manager, N.F. Railway as Chief Law Assistant and he was deputed by his office to conduct the enquiry

Contd..5



about the death of Foch Narayan Yadav and he reported that Foch Narayan Yadav died in the Gaisal train accident on 2nd of August, 1999. It has been mentioned in the application "certainly it is a very serious matter as noted by the Railway Administration and it is decided by the Administration to take necessary legal action (Civil & Criminal) against the above named Railway employee and Shri Mahendra Prasad Yadav for which concrete evidences are urgently required by the Railway Administration to initiate proceedings against them."

We have been informed at Bar that no action by the Railway Administration has been taken against Shri Chandra Sekhar Azad Snehi.

The opposite party in this case i.e., Mahendra Prasad Yadav filed his objection against review application and pleaded that he has not committed any fraud either upon the Bench or upon the Railway Administration. There is no denying fact that the Railway Administration has paid ex-gratia payment amounting Rs.25,000/- to the applicant, Mahendra Prasad Yadav and has also issued a complementary free pass for return journey of Mahendra Prasad Yadav from the side of the accident to his native place. Both parties have led evidence, both oral and documentary before us. The important things are the statement of Shri Chandra Sekhar Azad Snehi, the Chief Law Assistant working under the General Manager, N.F. Railway. He has deposed on oath that village Itahri is about 25 Km from his village and he knew Shri Mahendra Prasad Yadav. During enquiry, he came to know that the father of Shri M.P. Yadav died in the Gaisal train accident. He has also stated he had contacted so many persons during enquiry.

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C.A. No. Rev/A/1346/99

His parents and brothers were living at his village. He also stated that he did not recognize the photograph No. M-26. He has five brothers.

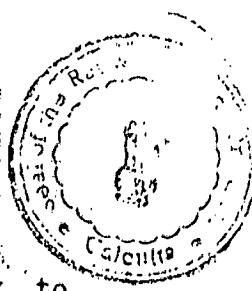
Shri Chandra Shekhar Azad Snahi is the employee of N.F. Railway. Witness has not been declared hostile and nothing has come in his cross-examination by the Lt. Railway Advocate that he was given a false evidence.

The second important evidence in this case is Naresh Kumar Yadav, the Police Inspector who conducted the enquiry. He deposed on oath that he started enquiry on the basis of the message sent by the Railway on 29.8.2000. He went to village Itahri. He contacted villagers and asked whether Foch Narayan Yadav is alive or died. They told that he was already died. He made enquiry about 60 persons from the village. But the witness was not in a position to file before us the statement of another witness who was interrogated by him.

So the position is that on one side, there is a report of the Inspector not supported by the statement of another witness who was examined by him. This goes against Mahendra Prasad Yadav. On the other side, there is a statement of own employee of the Railway Administration in favour of the applicant.

The matter has been placed before us possibly to inspect which of the two versions, one given by the Police Inspector and the other given by the Chief Law Assistant is correct. This is not the business of the Tribunal. If the Railway Administration has believed ^{prima facie} that a fraud has

Contd..7



C.A. No. Rev/A/1346/99

been committed on them or the Tribunal, it is their duty to collect evidence and to place the material before us. We pained to observe that no effort has been taken by the Railway Administration to collect the vital evidence in support of the review application. The Administration could have taken the aid of State Police and also that of Crime Investigation Department. If the Administration believes that his own employe named Shri Chandra Shekhar Azad Snahi is having hand in glove with Shri Mahendra Prasad Yadav, disciplinary action ought to have been taken against him, but this too has not been done. At one hand, the Administration wants to seal Shri Chandra Shekhar Azad Snahi and the same time, the Administration wants to prosecute Shri Mahendra Prasad Yadav that he committed a fraud - both cannot go together.

The evidence in the file is not sufficient to arrive at a definite conclusion.

Railway Administration is directed to collect and place on record the relevant evidence pertaining to the case and they may take the aid of State Police and C.I.D. and their own Vigilance to arrive at a concrete conclusion. We accordingly defer the matter for the time being. The matter shall again be posted for hearing on 3rd of December, 2002 and we hope till that time enquiry in the case would be completed by the Railway Administration.

Let a copy of the order be sent to the General Manager, N.F. Railway, Maligaon for his information and necessary action.

On
(K.K. CHAKRABARTY)
18/8/2002
MEMBER/TECHNICAL.

For 8/8/2002
(B.D.S. SRIVASTAVA)
MEMBER/JUDICIAL.

Date of Application
for the copy 1
Date on which the copy
was ready for delivery 13.8.02
Date of making over the
copy to the applicant

certified to be a true copy of the
document in my custody.

Additional Assistant Registrar
Railway Claims Tribunal,
Calcutta.
Authorised under Act 1 of 1860

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13/8/02