

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1056 OF 2014**

**Sangeeta W/o Shri Sakharam Kadam] Appellant
Vs
Union of India] Respondent
a/w**

FIRST APPEAL NO.1622 OF 2016

**Pushpa Devji Boricha] Appellant
Vs.
Union of India] Respondent
a/w**

FIRST APPEAL NO.581 OF 2016

**Sheela W/o Shri Dipak Kadam & Ors] Appellants
Vs
Union of India] Respondent**

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Mr. Kunal Bhangе a/w Mr. Akshay Pawar, for Appellants.
Mr. T.J Pandian, for Respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 23rd DECEMBER, 2021.

PC:

1. Heard learned Counsel for the parties.
2. Learned Counsel for the appellants has tendered copies of compilations to the learned Counsel for respondent-Union of India.
3. By consent of the learned Counsel for the parties, the appeals shall be heard together finally at the stage of admission on 25th January, 2022.
4. While dealing with these appeals, learned Counsel Mr. G.J Mohan Rao, President of the Railway Claims Tribunal Bar Association, Bombay seeks indulgence of this Court in bringing to the notice a huge pendency of appeals in this Court as well as pendency of claim applications before the Railway Claims Tribunals, *inter alia*, requesting this Court to issue appropriate directions to the concerned Legal Services Authority in consonance with object and reasons of the Legal Services Authorities Act, 1987. Mr Rao would submit that it is expedient to hold periodical Lok Adalats so that substantial number of appeals can be disposed off and justice in real sense can be imparted to the litigants.
5. Mr. Balasaheb Deshmukh, learned Counsel, mainly practicing before the Railway Claims Tribunal, has brought to the notice of this Court a communication dated 16th November, 2020 by Government of India, Ministry of Railways (Railway Board). Communication was addressed to Principal Chief Commercial Managers, All India Railways on the subject of claims cases to be

settled through National Lok Adalats. The said communication speaks for itself, as extracted below;

" Railways Claims Tribunal (RCT) have been making all efforts to clear pending claim cases expeditiously. In spite of best efforts by RCT/PB, there is high pendency of claim cases in various Benches of the RCT (Total cases pending as on 30.09.2020 is 26395). It is reiterated that Indian Railway is incurring huge expenditure in the form of interest due to long pendency of claim cases in RCT Benches. This is a loss to Railway exchequer which can be avoided through expeditious disposal of claim cases.

2. In this regard, it has been observed that a large number of claim cases can be decided through Lok Adalat. The constitution of Lok Adalats is provided for in Section 19 (Chapter VI) of the Legal Services Act, 1987. Section 20 of this Act deals with the type of cases for which cognizance can be taken by the Lok Adalat as per which the cases of summary nature are settled in the Lok Adalat. The pre-requisite for settlement of cases at Lok Adalat is the agreement between the applicant (Claimant) and respondent (Railways).

3. It may be stated that in response to RCT's letter dated 22.01.2018, Railway Board vide letter dated

05.03.2018 (copy enclosed), had issued instructions to RCT/PB and CCOs of Zonal Railways explaining the category of cases which can be disposed through Lok Adalat. Following this, Mumbai, Lucknow, Bhopal, Ahmedabad and Gorakhpur Benches were able to dispose off cases through Lok Adalats. However, not all the Zonal Railways perused the matter with force and the subject did not receive the amount of attention which was needed to make this entire exercise successful on a large scale.

4. Justice K.S. Ahluwalia, Hon'ble Chairman, Railway Claims Tribunal, has now desired that Lok Adalats be organized as early as possible to dispose off cases that can be decided through this mechanism to reduce pendency. To work out the modalities for conducting the proposed National Level Lok Adalat by all Benches of RCT at all India level, a three Member Committee was constituted by RCT/PB for the purpose of laying down guidelines and the Report of the Committee has been accepted by the Chairman/RCT which is being circulated to all Benches of RCT.

5. Board desire that Zonal Railways may take necessary steps and assist Railway Claims Tribunal in holding Lok Adalats in the month of December, 2020. The types cases which may be listed in the Lok

Adalats and the processes/guidelines for identifying the same are given in the Report of the Committee (copy encloses). PCMS of Zonal Railways are requested to nominate CCOs as Nodal Officers for holding the Lok Adalats as per the guidelines and timeliness given in the Report.

*6. Action taken in the matter may please be intimated to Board's Office for information and necessary action. This please be treated as **MOST URGENT.**"*

6. Registry has placed on record charts regarding pendency of appeals which are extracted below;

**Statement of admitted ready and unready Railway Tribunal
Act Matters upto 2010**

YEAR	READY	UNREADY	TOTAL
UPTO 1995	1	1	2
1996	6	1	7
1997	5	1	6
1998	3	0	3
1999	0	0	0
2000	0	0	0
2001	3	1	4
2002	1	7	8
2003	1	10	11

2004	0	8	8
2005	1	15	16
2006	1	20	21
2007	2	14	16
2008	1	9	10
2009	1	28	29
2010	0	3	3
Total	26	118	144

Statement of Admitted Ready and Unready Railways Tribunal Act matters for the year 2011 to 2021 (Single Bench Matters)

YEAR	UNREADY	READY	TOTAL
2011	7	1	8
2012	4	1	5
2013	3	0	3
2014	8	0	8
2015	29	0	29
2016	15	1	16
2017	24	1	25
2018	12	0	12
2019	58	0	58
2020	6	0	6
2021	2	0	2
TOTAL	168	4	172

**STATEMENT OF PRE-ADMISSION FIRST APPEAL
(SINGLE BENCH)**

Railway Claims Tribunal Act

YEAR	FIRST APPEAL STAMP	FIRST APPEAL
2008	0	1
2011	0	1

2012	2	0
2014	8	4
2015	10	5
2016	8	11
2017	1	7
2018	20	33
2019	6	14
2020	9	40
2021	47	34
Total	111	150

7. A bare look at the aforesaid charts would demonstrate that the first appeals are pending in this Court which are as old as from the year 1995.

8. It is of common knowledge that most of the victims/deaths in the railway accident are mainly from socially disadvantageous strata of the society having economically weak background. Justice in real sense will have to be imparted to such helpless and hapless litigants.

9. It is evident from the aforesaid communication dated 16th November, 2020 by the Ministry of Railways that as on 30th September, 2020, 26395 appeals were pending before various Benches of all Railway Claims Tribunals which is not a healthy sign.

10. In order to achieve the object of securing justice which appears to have been denied to the socially and economically

disadvantageous elements of the society, the Legal Services Authorities Act, 1987 came to be enacted by the Parliament.

11. It is equally important to note that due to pendency of such huge number of cases, Indian Railway is incurring huge expenditure in the form of interest due to long pendency of claim cases in various Benches of Railway Claims Tribunals. That itself is a loss to the Railway exchequer which can be avoided through expeditious disposal of claim cases by organizing Lok Adalat.

12. In view of the aforesaid communication, directions have already been issued by the Railway Board to Zonal Railways to dispose off such cases by organizing Lok Adalats. It appears that in view of the said directions issued vide letter dated 5th March, 2019 to Zonal Railways at Bombay, Lucknow, Bhopal, Ahmedabad and Gorakhpur could dispose off cases through Lok Adalat.

13. It is also apparent from the said communication that Justice K.S. Ahluwalia, the Hon'ble Chairman Railway Claims Tribunal had desired that Lok Adalat should be organized again as early as possible to dispose off cases that can be decided through the said mechanism to reduce pendency. Even modalities for conducting the proposed national level Lok Adalat by all the Benches of Railway Claims Tribunal at all India level, three member committee was constituted by the Railway Claims Tribunal for the purpose of laying down guidelines and the said report of the Committee has been expedited by the Chairman Railway Claims Tribunal.

14. Having taken into consideration, the aforementioned facts and looking to the pendency of appeals in this Court, Registrar (Judicial) is directed to place this order before the Honb'le Executive Chairman Maharashtra State Legal Services Authority, Mumbai for necessary directions in that regard.

[PRITHVIRAJ K. CHAVAN, J.]