

MACT no. 69/2024
Manoj Kumar v. Ram Singh & Ors.

04.08.2026

Present: Sh. Madhur Goel, counsel for the petitioner.
None for the respondents.

Further final arguments heard.
Put up for judgment at 04:00 p.m.

(Vijay Kumar Jha)
PO MACT-01 (SHD)/ KKD
Delhi/04.08.2026

04.08.2026 (At 04:50 p.m.)

Present: None.

Case is fixed for judgment. However, record reveals that on 20.07.2026, the petitioner was examined under Section 168 of BSA by the Tribunal, wherein the petitioner upon oath stated that after the date of accident on 27.11.2023, he never worked as bus martial, whereas, witness R2W1 inter-alia produced the attendance record of the petitioner since September 2023 to June 2025 and brief summary of attendance for the said period along with brief summary of absence from 26.11.2023 to 02.02.2024. R2W1 also produced the bank list showing credit of salary to Home Guard Volunteers including the petitioner into his bank account for September 2023 to June 2025. Said documents were exhibited by R2W1 as Ex.R2W1/6 to Ex.R2W1/8 to which objection was taken by learned counsel for the petitioner on the ground of mode of proof. The petitioner either attended his job or did not attend, there cannot be any doubt regarding that in his examination under Section 168 of BSA, the Tribunal put query to the petitioner from the record of attendance of the petitioner which was produced by R2W1. To the query, the primary reply of the petitioner was "I do not recollect".

Further, to another query regarding discharge of duties by the petitioner as bus martial in February 2025 for 11 days, in March 2025 for 7

days and in April 2025 for 19 days, the petitioner stated that “after requesting the senior officers, I had discharged my duty including as bus martial at other places”, which belies the deposition of the petitioner that after the accident on 27.11.2023, he never worked as bus martial.

In the aforesaid facts and circumstances, this Tribunal is of the opinion that the concerned witness from the DTC who had loaned services of Home Guard Volunteer why be not examined as to the fact to ascertain regarding veracity of documents regarding which learned counsel for the petitioner has objected to and to clarify the deposition of the petitioner regarding the court query to which the petitioner has replied ‘I do not recollect’.

Put up for clarifications on 06.08.2026.

(Vijay Kumar Jha)
PO MACT-01 (SHD)/ KKD
Delhi/04.08.2026