

GAHC010129152013



2026:GAU-AS:2967

IN THE GAUHATI HIGH COURT
HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

MFA/38/2013

Union of India,
Represented By the General Manager,
N.F. Railway, Maligaon, Guwahati-11.

.....Appellant

-Versus-

M/s Jain Enterprise,
Thakuria Building, F.A. Road, Kumarpara,
Guwahati-9.

.....Respondent

For Appellant	:	Mr. D.K.Dey, Advocate
For Respondent	:	Ms. M. Sharma, Advocate
Date of Hearing	:	24.02.2026
Date of Judgment	:	24.02.2026

BEFORE

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

JUDGMENT AND ORDER (ORAL)

[1] Heard Mr. D.K. Dey, the learned counsel for the appellant. Also heard Ms. M. Sharma, the learned counsel for the respondent.

- [2]** This appeal under Section 23 of the Railway Claims Tribunal Act, 1987 has been preferred by the Union of India/appellant impugning the judgment and order dated 02.11.2012, passed by the Railway Claims Tribunal, Guwahati Bench in Original Application No. OA.I/GHY/2004/0077 (Old No.O.A.77/2004).
- [3]** The learned counsel for the appellant, Mr. Dey has submitted that the impugned judgment has been passed by the learned Member (Technical) Guwahati Bench of Railway Claims Tribunal Sitting Singly only, whereas, the requirement of Section 4 (2) of the Railway Claims Tribunal Act, 1987 is that a bench of the Railway Claims Tribunal shall consist of two members, namely, a Judicial member and another technical member.
- [4]** He further submits that Section 4 (4) of the Railway Claims Tribunal Act, 1987, though, empowers the Chairman or any other member authorized by the chairman of this behalf, to function as a bench consisting of a single member and exercise the jurisdiction , powers and authorities of the claims tribunal, however, in that respect an order a general or special order has to be passed by the chairman specifying the classes of such cases or matters which may be taken up by a bench consisting of single member. However, he submits that, in the instant case, no general or special order has been passed by the chairman of the Railway Claims Tribunal in terms of Section 4 (4) of the Railway Claims Tribunal Act, 1987.
- [5]** He submits that the impugned judgment is, therefore, liable to be set aside and to be remanded back for fresh adjudication by a
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bench of two members in terms of Section 4(2) of the Railway Claims Tribunal Act, 1987.

- [6] He submits that a similar issue was raised before a co-ordinate bench of this court in the case of **"The Union of India Vs. M/s Bajaj Steel"** (Case No. MFA No. 113 / 2016, wherein, the co-ordinate bench of this court had remanded the case in that appeal back to the tribunal for fresh adjudication.
- [7] In support of his submission, the learned counsel for the appellant has also cited a ruling of the Apex Court in the case of **"Amulya Chandra Kalita Vs. Union of India"** reported in **"(1991) 1 SCC 181."**
- [8] He submits that in the aforesaid case though the Apex Court was dealing with the Administrative Tribunals Act, 1985 however Section 4 of the said Act contained similar provision like that of Section 4 of the Administrative Tribunals Act, 1985 and the Apex Court held that in absence of a provision to the contrary, it is statutorily required that the tribunal must consist of two members and the administrative member alone could not have heard and decided the matter.
- [9] Ms. M. Sharma, the learned counsel for the respondent also agrees to the submissions made by the learned counsel for the appellant.
- [10] I have gone through the materials available on record and have considered the submissions made by the learned counsel for the

parties. I have also gone through the rulings cited by the learned counsel for the parties.

- [11]** In the instant case, on a bare perusal of the impugned judgment, it appears that same was passed by a bench consisting of single member, i.e. member (technical) and no order under Section 4(4) of the Railway Claims Tribunal Act, 1987, is there on record, to indicate that any authorization by the Chairman to the member (technical) to take up the instant case by sitting singly was passed.
- [12]** Since the statute clearly provides for the contingency in which a single member of Railway Claims Tribunal can take up the cases for adjudication, however, since said provision Section 4 (4) of the Railway Claims Tribunal Act, 1987 has not been complied with in the instant case, the impugned order is liable to be set aside on the ground of lack of jurisdiction by a single member of the Railway Claims Tribunal. Same is accordingly done. The impugned order is accordingly set aside. The matter is again remanded back to the Railway Claims Tribunal, Guwahati Bench with a direction to constitute a bench in terms of Section 4 of the Railway Claims Tribunal Act, 1987, and to dispose of the matter again after affording the opportunity of being heard to both the parties.
- [13]** Since this is a very old pending matter of the year 2012, the Railway Claims Tribunal, Guwahati Bench is directed to dispose of

the matter as expeditiously as possible preferably within 6 (six) months from the date of receipt of the copy this judgment.

[14] The Registry shall immediately send the records of original application requisitioned in connection to this appeal, along with a copy of this judgment to the Railway Claims Tribunal Act, 1987 for compliance.

[15] The learned counsel for the appellant has submitted that in pursuant to the order dated 20.03.2015, passed by a co-ordinate bench of this court in Misc. Case No. 608/2013, in connection with this appeal, the appellant was directed to deposit 50% of the awarded amount in the Registry, which it has deposited. The said amount may be returned back to the appellant after proper verification.

[16] This appeal is, accordingly, disposed of.

JUDGE

Comparing Assistant

Munmun
Boruah

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Munmun Boruah
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