

GAHC010233822017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MFA/71/2017

UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI-11

VERSUS

M/S SUNRISE TRADERS
FANCY BAZAR, JAIL ROAD, GUWAHATI-1, ASSAM.

Advocate for the Petitioner : MR.D K DEY,

Advocate for the Respondent : MR.A GOYAL, MR.K P MAHESWARI ,MS.M SHARMA

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.05.2026

- 1.** Heard Mr. D. K. Dey, learned Railway counsel appearing for the appellant. Also heard Ms. M. Sharma, learned counsel for the respondent.
- 2.** The learned counsel for the appellant submits that in the instant case the impugned judgment has been passed sole Member of the Railway Claims Tribunal, namely, Member Judicial. However, he submits that Section 4(2) of the Railway Claims Tribunal, 1987 provides that a Bench of Railway Claims Tribunal

shall consist of two members, namely, Judicial Member and another Technical Member. He submits that though Section 4(4) of the said Act empowers the Chairman or any other Member authorized by the Chairman in this behalf to function as a Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Railway Claims Tribunal. However, in the instant case, it appears that no such authority under Section 4(4) of the said Act was given to the Member Judicial. Hence, he submits that this appeal may be remanded back to the Railway Claims Tribunal again to dispose of the case afresh by following the provisions of law.

3. On this, a query was post as to whether, in the instant case any general order has been passed by the Chairman, Railway Claims Tribunal under Section 4(4) empowering the Member Judicial to decide the claims cases sitting singly.

4. On this, the learned Railway counsel submits that no such authorization is available in the records of this case.

5. This Court is of the view that if any general order of authorization is passed by the Chairman, Railway Claims Tribunal, it may not be kept in the records of the instant case. However, same might be available in the official administrative files maintained by the Railway Claims Tribunal.

6. Therefore, the learned counsel for the appellant (learned Railway Counsel) is requested to take instructions from the tribunal as to whether any general authorization under Section 4(4) of the Railway Claims Tribunal Act, 1987 was there when the impugned judgment was passed by the Member, Judicial only sitting singly.

7. If any such authorization was there, a copy thereof shall be furnished by the learned Railway counsel on the next date fixed.
8. List this matter again on 5th of June, 2026.

JUDGE

Comparing Assistant