

PO

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No89/TC(RCT)/4-7(Pt.)

New Delhi, dated 28-9-1990

The General Managers (Claims)  
All Indian Railways.

Sub:- Presentation of Railways cases in Railway Claims Tribunal – duties of  
Presenting Officers.

The posts of Presenting Officers were created with a view to help the Railways in presenting their cases which will come up before the Railway Claims Tribunal Benches. They are officers of the Zonal Railways working under the administrative control of the Chief Claims Officer. The CCOs of the Railways will, therefore, should give them all possible assistance in discharging their functions. Other Zonal Railways whose cases are heard in that Bench should also give them necessary assistance. The Ministry of Railways, after reviewing the functioning of the Presenting Officers in the various Benches, have decided that the following action should be taken:

- i. The Law Assistants assigned to the Bench will be placed under the administrative control of the Presenting Officer.
- ii. The Written Statements will be prepared by the Claims Settling Officer who has dealt with the case or normally deals with it. This will be sent to the Presenting Officer along with the relevant documents for filling after it has been vetted by the Law Assistant/ACO (Court ) of the Zonal Railway and approved by the Dy.CCS/Claims or CCO.
- iii. The CCO of the Zonal Railway under whose administrative control the Presenting Officer is working, will make his office a self-contained one in respect of secretarial assistance, zerox machines, telephones, typewriters, reference libraries etc.
- iv. The Law Assistants assigned to the Bench will be placed under the administrative control of the Presenting Officer.

In order that the Presenting Officers discharge their functions efficiently, it is desirable that the CCOs should often visit the Claims Tribunal Bench located at their Headquarters and the other Benches within their jurisdiction so that they get the feed back and are able to take corrective action.

Please acknowledge receipt.

Sd./-

(PRAMOD UNIYAL)

Director, Traffic Commercial (CL),

Railway Board

Copy to:

1. CCSs and CCOs, All Indian Railways
  2. P.Os of RCT Benches.
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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No89/TC(RCT)/4-7(Pt.)

New Delhi, dated 28-9-1990

The General Managers (Claims)

All Indian Railways.

**Sub: Duties of Presenting officers.**

The Presenting Officers is an officer of the zonal railway in which the Railway Claims Tribunal Bench is located and is under the administrative control of the Chief Claims Officers of that zonal Railway.

They will receive the summons issued by the Tribunal, send them to the claims office of the zonal railway concerned for preparation of written statement, file the written statement received and arrange for the presentation of the cases when they come up for hearing.

For the purposes of presentation of cases they may take assistance of approved railway Advocates or Law Assistants or other officers of the railway authorised to represent the railways as Presenting Officers.

They will send a monthly P.C.D.O. to the CCOs, of the zonal railway whose cases are normally dealt with in the Claims Tribunal Bench giving details of the cases disposed pending and problems faced by them in presenting them.

Disposal of accident compensation cases which come up for hearing should receive priority.

The Presenting officers should have all the financial and administrative powers of Dy. CCS/Claims in so far as their working as Presenting Officer of a Bench is concerned and therefore, they will also be Ex-Officio Dy. CCS(Courts). Please acknowledge receipt.

Sd./-  
(PRAMOD UNIYAL)  
Director, Traffic Commercial (CL),  
Railway Board

Copy to:

1. CCSs and CCOs, All Indian Railways
  2. P.Os of RCT Benches.
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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO (6.19.11)

New Delhi, dated 25.07.2002

The General Managers (Claims)

All Indian Railways.

Sub : Satisfaction of decree & Co-ordination of appeals  
through POs-ecommendation of the RCT Review Committee.

Recommendation No.6.19.11 of the report submitted by RCT Review Committee is reproduced below.

"The PO may be made responsible for satisfaction of decree. In case it is decided to appeal against the orders of Tribunal, this may be co-ordinated through the PO so that Railway advocates at the High Court are suitably briefed by the PO as he will be well versed in the case and also have relevant records in his possession."

In regard to the first part of the recommendation, Board has observed that the Review Committee meant to avoid unnecessary delay in payment of decreed claim. Board however, does not consider it desirable/necessary to make the PO responsible for satisfaction of decree in order to achieve this objective. In stead, Board considers it prudent to tighten the claims machinery at the Headquarter Office. For decreed claims, it is desirable that railway administration either decide to go for appeal or satisfy the decree at the earliest. Board desires that the analysis of the decreed cases should be completed early and a decision in regard to filing appeal must be taken within 15 days (Para 2 of Board's letter No.93/TC-III/76/4 dated 07.10.93 also refers). For such cases where railway

does not intend to file appeal, there should not be any delay in satisfying the decree (Para 5 & 6 of Board's letter No.93/TC-III/76/4 dated 07.10.93 refers). The second part of the recommendation concerns with such decreed cases where railways decide to go for appeal. Board desires that appeals against the decrees of the RCT will be coordinated through the Presenting Officer.

Sd./-

(Rajni Hasija)

Jt. Director, Traffic Comml.(Claims)

Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO (6.19.12)

New Delhi, dated 17 .12.2002

The General Managers (Claims)

All Indian Railways.

Sub : Office Accommodation for Presenting Officers –  
Recommendation of the RCT Review Committee.

Recommendation No.6.19.12 of the report submitted by RCT Review Committee is reproduced below.

" The PO and the establishment must be provided with sufficient office accommodation in the building where RCT is located."

After examination of the issue, Ministry of Railways have decided the following :

1. The office accommodation for the Presenting Officer will be provided in the same building where the RCT is located.
2. The accommodation will be provided as per the specification given below with a maximum 10% margin of variation.
  - i. One room of PO - 180 sq. ft
  - ii. One room for CLAs, CMI and Railway Advocates - 270 sq. ft
  - iii. One room for office staff - 300 sq. ft
  - iv. One record room - 100 sq. ft.
  - v. Urinal & Lavatory
3. The cost of the construction/hiring will be borne by the concerned zonal railway.

Sd./-

(Rajni Hasija)

Director, Traffic Comml.(Claims)

Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO (6.19.10)

New Delhi, dated 13 .11.2002

The General Managers (Claims)

All Indian Railways.

Sub :Utilisation of financial powers by Presenting Officers for out of court settlement–Recommendation of the RCT Review Committee.

Recommendation No.6.19.10 of the report submitted by RCT Review Committee is reproduced below.

" The power vested with the Dy. CCM/Claims may be vested in PO for cases coming up in his jurisdiction and may be empowered to deal with such cases for effecting compromise wherever possible."

In this connection, attention is invited to last para of letter No.89/TC(RCT)/4-7(Pt.) dated 28.9.90 wherein it has been advised that the presenting officers will have all the financial and administrative powers of Dy. CCM/Claims in so far as their working as presenting officer of a Bench is concerned and therefore, they will also be Ex-officio Dy.CCM(Courts). Board desires that Presenting Officers should utilize their entitled financial powers for out of court settlement of cases as and when desirable and possible.

Sd./-

(Rajni Hasija)

Jt. Director, Traffic Comml.(Claims)

Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO (6.19.9)

New Delhi, dated 26 .03.2003

The General Managers (Claims)

All Indian Railways.

Sub : Provision of cash imprest for the office of Presenting officers of RCT–Recommendation of the RCT Review Committee.

Recommendation No.6.19.9 of the report submitted by RCT Review Committee is reproduced below.

" Sufficiently large imprest may be provided to PO to purchase stationery and other office items for day-to-day needs."

In this connection, attention is invited to Board's letter No.97/TC-III/76/1(xi) dated 15/23.10.98 wherein it has been advised that whenever the office of presenting officer is located in the RCT complex, the Presenting Officer will be provided with a cash imprest of Rs.3,000/- for purchase of stationery, etc. for day-to-day use.

It has come to notice of Board that the instructions are not being complied with in different railways. As per Board's letter No.2002/TC-III/43/RCT-REVIEW/PO (6.19.9), office accommodation for he Presenting Officer will be provided in the same building where the RCT is located. In view of this two letters, it may be ensured that the cash imprest of Rs.3,000/- per month be provided to the Presenting Officer.

Sd./-

(Rajni Hasija)

Jt. Director, Traffic Comml.(Claims)

Railway Board

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO (6.19.8)

New Delhi, dated 19 .07.2002

The General Managers (Claims)  
All Indian Railways.

Sub : Assistance of the railways to the Presenting  
Officer–Recommendation of the RCT Review Committee.

Recommendation No.6.19.8 of the report submitted by RCT Review  
Committee is reproduced below.

"Whenever more than one Railway is represented, the concerned Railway  
must ensure all assistance to the PO and furnish documents and records  
expeditiously. The concerned Railway should also ensure proper briefing to the  
PO on the facts of the case."

Board have accepted the recommendation and desires that it should be  
complied with and all assistance and support to the Presenting Officer must be  
ensured. In this connection, attention is also invited to instructions regarding  
assistance to POs in earlier letters No.97/TC-III/76/1(xiv) dated 31.8.98,  
No.89/TC(RCT)/4-7 dated 19.01.1990. Instructions in letter No.97/TC-III/76/1(xvi)  
dated 21.7.99 is also reiterated that all policy circulars should be marked to the  
office of Presenting Officer.

Sd./-  
(Kranti Kumar)  
Dy. Director, Traffic Comml.-III  
Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO (6.19.5)

New Delhi, 25.03.2003

The General Managers (Claims)

All Indian Railways.

Sub : Supporting staff to Presenting Officers -  
Recommendation of RCT Review Committee.

Recommendation No. 6.19.5 of the report submitted by RCT Review Committee is reproduced below.

"Presenting Officer in JAG one PO for each location, i.e. if there are two zonal railway HQ at one location, PO be empowered to deal with cases of all Railways represented in a particular Bench. The following staff should support the PO.

- i. Chief Law Asstt. - 2
- ii. UDC - 2
- iii. Commercial Inspector - 1
- iv. Record Keeper - 1
- v. Peon - 2

These supporting staff have to be provided by readjustment of the strength available in the office of Chief Claims officer."

In this connection, attention is invited to para 3 of Board's letter No. No.89/TC(RCT)/4-7 dated 19.1.1990 from which it is obvious that the Presenting Officer is empowered/required to deal with all cases of all Railways represented in a particular bench.

Further, attention is invited to Board's letter No.97/TC-III/76/1(vi) dated 31.8.98 wherein the recommendation of Committee of CCOs regarding supporting staff to the Presenting Officers has been circulated. Board desires

that supporting staff to the Presenting Officers may be provided as per the recommendation of committee of CCOs.

In regard to provisioning of staff, attention is also invited to para 9 of Board's letter No.89/TC(RCT)/4-7 dated 19.1.1990 wherein it has been advised that extra staff required for the office of Presenting Officer are to be found from the claims and court sections of the Railway.

Sd./-

(Rajni Hasija)

Jt. Director, Traffic Comml.(Claims)

Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2002/TC-III/43/RCT-REVIEW/PO/Appointment

New Delhi, dated 19.08.2002

The General Managers (Claims)

All Indian Railways.

Sub :Appointment of Presenting Officer with sound background & experience –  
Recommendation of the RCT Review Committee.

RCT Review Committee has, in para 6.19.4 inter-alia commented that the incumbents for the post of PO are very often those who have no background or experience in dealing with Railway Claims cases/ Court cases. The committee has noted that as a result of this, the manner of handling cases and the arguments put forward on behalf of Railway Administration are very often, incomplete and weak. The committee has recommended that an officer with sufficient experience be appointed as Presenting Officer.

In this connection, attention is invited to instructions in para 3 of Board's letter No.93/TC-III/76/4 dated 07.10.93 which are reproduced as under :  
"Board are also concerned that no proper selection is made while posting a presenting officer to the RCT and in some cases the officers who do not find berth anywhere else are appointed as presenting officers in the RCT benches. Looking at the importance of RCT and the far-reaching effects of their decision, it is only at one's own peril that the Railways can afford to post inexperienced and unwanted candidates as presenting officers. The CCMs and CCOs should take personal interest in posting the presenting officers with a view to ensure proper representation of Railway cases."

Further attention is invited to instructions in para 6 of Board's letter No.89/TC(RCT)/ 4-7 dated 19.1.1990 which are reproduced as under :  
"Normally, the presenting officers should be law graduates and should also have some background of claims working. This is desirable for his understanding of the work as well as for the purposes of supervision, coordination and presentation."

While reiterating these instructions, Board would like to put on record that the post of presenting officer has been created for defending cases against railways in the RCTs. The Tribunal being a specialised body which has senior Railway Officer and a Judicial Member to decide the case, it is desirable that the presenting officer is well equipped with qualification and experience to present and argue the cases. Board desires that proper care may be taken for selection of presenting officers with desirable qualification and sufficient background & experience.

Sd./-  
(Rajni Hasija)  
Jt. Director, Traffic Comml.(Claims)  
Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2001/TC(RCT)/3-5

New Delhi, dated 4.6.2003

The General Managers (Claims)

All Indian Railways.

KRCL, New Mumbai

Metro Railway, Kolkata.

Sub: Grant of compensation for death/injury of rail passengers in Train accidents/untoward incidents under Sections 124/124-A of the Railways Act, 1989.

As per rule 8 of the Railway Claims Tribunal (Procedure) Amendment Rule, 2002, an application for compensation payable under Sections 124 or 124A of the Railways Act, 1989 may be filed before the Bench having territorial jurisdiction over the place from which the passenger obtains or purchases his pass or ticket or where the accident or untoward incident occurs or where the place of destination station lies or where the claimant normally resides. It may thus be observed that the claimant has a choice to file the application at any one of the four places mentioned in the said rule according to his/her convenience.

However, a case has come to the notice of this Ministry, where the claimant had filed a case under Sec. 124 of the Act in two different benches of the Railway Claims Tribunal, and had been defended by two different Railways. Both the benches decreed the case. In one case, the payment was made and in other case the Railway was about to make the payment, which was averted by the Board, as both the cases happened to be under watch by this Ministry.



In order to avoid misuse of the provisions of Rule 8, the railways should adopt the following procedure for defending the claims of train accident/untoward incidents before the Tribunal:-

1. If a case under Section 124 or 124-A of the Railways Act, 1989 has been registered at a bench other than the bench under whose territorial jurisdiction the accident or untoward incident has taken place, it is to be checked whether the claimant has made the railway having jurisdiction over the site of accident/untoward incident a party as a respondent or not. If not, the railway receiving the notice of the application will call for record from the railway where the accident/untoward incident has happened. In this way the concerned railway will take notice that a case has been filed in the bench other than the bench which has the territorial jurisdiction over the site of accident/untoward incident.
2. The concerned railway i.e. the railway having jurisdiction over the place of accident/untoward incident should keep a record of all cases pertaining to same victim, filed in different benches of RCT and to ensure that only one case is contested. All other cases should be got dismissed by filing Written Statements that an application in respect of the same person has already been filed in other bench.
3. When an award is pronounced by any bench of the Tribunal, the payment may be arranged by the defending railway under intimation to the other railway under whose jurisdiction, the railway accident/untoward incident has occurred.
4. If in a claim application, the Railway Administration required to be arrayed as a respondent under Section 109 of the Railway Act, has not been impleaded as a party, an application may be filed for return of claim application by the Railway Administration.

Please ensure compliance of the above instructions and acknowledge receipt of the letter.

Sd./-  
(Rajni Hasija)  
Jt. Director, Traffic Comml.(Claims)  
Railway Board

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.97/TC-III/76/2

New Delhi, dated 29.04.99

The General Managers (Claims)/OSDs  
All Indian Railways.

Sub: Duties of presenting Officers.

Ref: This Ministry's letter of even number dated 3-2-99.

It has been brought to the notice of this Ministry that some of the Presenting Officers are sending Written Statement to Head Quarter Office or Divisional Office for having these signed by the authorised officer resulting in delay in filing of Wss though it has been clarified vide this Ministry's letter referred to above that Presenting Officers in their capacity as Dy. CCM/Claims can sign Written Statements.

Board have viewed this irregularity very seriously.

It is once again reiterated that Dy. CCM/CI of JA Grade are authorised to sign Written Statement vide this Ministry's letter No. E(G)82-LL2-2(A) dated 4.6.92 (Copy enclosed). The Presenting Officers in JA Grade must therefore sign the Written Statements themselves in their capacity as Dy. CCM/Claims instead of sending the WSSs to Divisional officers or HQ Office. CCO should ensure strict compliance of these instructions so that unnecessary delay in signing of WSSs is avoided and RCT cases could be disposed off expeditiously.

Please acknowledge receipt of the communication.

Sd./-

(L Venkataraman)

Jt. Director, Traffic Comml.(Claims)

Railway Board

DA: As above.

Copy to all P.Os for compliance.

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

R.B.No.91/92

No.E(G)82 LL2-2(A)

New Delhi, dated 4th June, 92.

ORDER

S.O.\_\_\_\_\_ In exercise of the powers conferred by rule 1 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908 ) and in supersession of the notification of the Government of India in the Ministry of Railways (Railway Board ) number GSR 198, dated the 21st February, 1983, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints

- i. the officers mentioned in the Schedule annexed hereto as persons by whom plaints and written statements in suits in any court of civil jurisdiction by or against the Central Government in respect of the Railway Administration shall be signed;
- ii. those of the officers referred to in clause (i) who are acquainted with the facts of the case, as persons by whom such plaints and written statements shall be verified.

SCHEDULE

(41) Deputy Chief Commercial Superintendent.