

RAILWAY CLAIMS TRIBUNAL

- ❖ Rly is not only limited to the running of railway, it is something beyond that.
- ❖ Functioning of railways also includes issues like
 - ✓ Accidents causing Death;
 - ✓ Accidents causing injuries;
 - ✓ The refund of fares & Freight;
 - ✓ Thefts;
 - ✓ Loss or damage to the goods;
 - ✓ Non-delivery of the goods;
- ❖ Liability of the Railway Administration is laid down in the Section 103 Railway Act, 1989.

RAILWAY CLAIMS TRIBUNAL

- ❖ RCT was established under the Railway Claims Tribunal Act, 1987.
- ❖ RCT came into force from 8th November 1989.
- ❖ **Why RCT?**
 - ✓ Difficult to get fast judgment in normal courts;
 - ✓ Since there are a large number of cases of all the areas running in these courts
 - ✓ The process to get justice in these courts is a bit complex.
 - ✓ So to provide the speedy justice to the rail users and passengers

RAILWAY CLAIMS TRIBUNAL

- ❖ RCT Principal Bench is at New Delhi and presided by the Hon'ble Chairman.
- ❖ RCT Composition: Chairman, 4 Vice Chairmen, Judicial and Technical members.
- ❖ Current RCT Chairman: **K.S.AHLUWALIA**
- ❖ Four Benches situated at Kolkata, Lucknow, Mumbai & Secunderabad are headed by **Vice Chairmen**.
- ❖ 23 benches have been established all over Indian Railways.



Railway Claims Tribunal

Online Court services of RCT

- ABOUT US
- SERVICES
- CAUSELIST
- DOWNLOADS
- UPLOADS

About Us

- Introduction to RCT
- Aims and Objectives
- RCT ACT
- RCT Procedure Rules 1989
- Forms
- Location of Benches
- Jurisdiction
- Bench wise list of Hon'ble Chairman and Members of RCT
- Registry Officers

New : Latest Updates

NEW Amendment to Rule-8 of RCT(Procedure) Rules 1989 regarding places for filing claim application

Court Functioning through Video Conferencing 🇮🇳

On account of nationwide lockdown due to COVID-19 pandemic, the Court functioning of RCT has suffered. Since the judicial process cannot be kept in abeyance for long, the Court functioning through video conferencing is under consideration. For the functioning of a virtual Court, the platform of Cisco Webex or equal platform would be used by all officials of RCT and advocates of the bench. Links for Cisco Webex are given below. After clicking on any of these links, you will be redirected to a third party website. CRIS makes no representations nor has any supervision or control over the quality, content, reliability or security of the third party website.

Case Management System

- Cause List
- Case Search
- Case Status
- Daily Orders
- Case Under Objection
- Final Orders / Judgements

Advocate Diary

- Advocate Diary Form

E-Filing



* Chandigarh

* Delhi

* Jaipur

* Lucknow

* Gorakhpur

* Allahabad

* Patna

* Guwahati

* Ahmedabad

* Bhopal

* Ranchi

* Kolkata

* Mumbai

* Nagpur

* Bhubaneswar

* Secunderabad

* Amaravati

* Bangalore

* Chennai

* Ernakulum

Railway Claims Tribunal (DELHI Bench)
13/15 MALL ROAD,
DELHI - 110054
Phone -
Fax - 011-23972022
Email -

Chairman	SH K S AHLUWALIA
Phone	01123811767
Fax	01123811767
Email	pbrctdli@gmail.com
Member (Judicial)	VACANT
Phone	
Fax	
Email	
Member (Technical)	SH VIJAY KUMAR
Phone	
Fax	
Email	pbrctdli@gmail.com
Member (Technical 2)	SH SUNIL MATHUR
Phone	
Fax	
Email	pbrctdli@gmail.com
Registrar	SMT AASHIMA MEHROTRA
Phone	01123813408

Railway Claims Tribunal (SECUNDERABAD Bench)
SOUTH LALLAGUDA,
SECUNDERABAD - 500017
Phone -
Fax - 040-27830355
Email -

Vice Chairman	VACANT
Phone	
Fax	
Email	
Member (Judicial)	VACANT
Phone	
Fax	
Email	
Member (Technical)	SH M MADHUSUDAN RAO
Phone	04027000350
Fax	040270004355
Email	rctsecundrabad@gmail.com
Addl. Registrar	SH M SAMSON SANDEEP
Phone	04027004355
Fax	04027004355
Email	rctsecundrabad@gmail.com
Asst. Registrar	SH K VENUGOPAL REDDY

Select RCT

Railway Claims Tribunal (AMARAVATI Bench)
ARUNDELPET, GUNTUR,
AMARAVATI - 522002
Phone -
Fax -
Email -

Member (Technical)	SH M SARJANA RAO
Phone	
Fax	
Email	adrctamravati@gmail.com
Addl. Registrar	SH P SHREE NIVASA KUMAR
Phone	
Fax	
Email	adrctamravati@gmail.com

RAILWAY CLAIMS TRIBUNAL

❖ Chairman:

- ✓ A person shall be qualified for appointment as chairman
 - A judge of High Court
 - At least 2 years held the office of a vice-chairman

❖ Tenure of office:

- ✓ 5 years from the date of appointment or until he attains age of 65 years

RAILWAY CLAIMS TRIBUNAL

❖ Powers of the Chairman:

- ❖ Chairman have the powers as of a GM.
- ❖ Administrative and Financial Powers over the benches .
- ❖ Power to transfer a Vice-Chairman or members from one bench to another bench.
- ❖ Power to authorize the Vice-chairman or Judicial or technical member appointed to one bench to discharge the functions of another bench.

RAILWAY CLAIMS TRIBUNAL

- ❖ **Vice Chairman**: A person shall be qualified for appointment as vice chairman
- ✓ A judge of High Court;
- ✓ A Member of the Indian Legal Service in the post of Grade-I for at least 5 years of service;
- ✓ Member holding post of Civil Judge not below the rank Joint Secretary to the Govt. of India;
- ✓ Member of Rly Service at least 5 years of service not less than the rank of JS to the GOI;
- ✓ 3 years held office as a judicial or technical member

RAILWAY CLAIMS TRIBUNAL

- ✓ Adequate knowledge of rules, procedures and experience in claims and commercial matters relating to Railways
- ❖ **Tenure of office**: 5 years from the date of appointment or until he attains age of 62 years
- ❖ **Judicial Member**: A person shall be qualified for appointment as Judicial Member
 - ✓ A judge of High Court
 - ✓ A Member of the Indian Legal Service in the post of Grade-I for at least 3 years of service

RAILWAY CLAIMS TRIBUNAL

- ✓ A Member holding the post of Civil judicial post not below the rank Joint Secretary to the Govt. of India for a period of 3 years
- ❖ Tenure of office: 5 years from the date of appointment or until he attains age of 62 years
- ❖ Technical Member: A person shall be qualified for appointment as Technical Member
- ✓ 3 years held a post under a railway administration not below the rank of joint secretary Govt. of India.

RAILWAY CLAIMS TRIBUNAL

- ✓ Adequate knowledge of rules, procedures and experience in claims and commercial matters relating to Railways
- ❖ Tenure of office: 5 years from the date of appointment or until he attains age of 62 years
- ❖ Appointment:
 - ✓ The Chairman, Vice Chairman and other Members shall be appointed by the President.
 - ✓ No appointment of a person as a Chairman shall be made except after consultation with Chief Justice of India.

RAILWAY CLAIMS TRIBUNAL

- ✓ The territorial jurisdiction of every bench is specified in the Claims Tribunal Act, 1987.
- ✓ If an application is received by the Bench which does not have territorial jurisdiction to deal with the matter, the registrar of the Bench can return to the application to the applicant.
- ✓ Passenger who met with an accident, under Section 124 & 124-A RA are entitled to compensation for loss of life and injuries.

MINISTRY OF RAILWAYS
(RAILWAY BOARD)
NOTIFICATION

New Delhi, the 10th January, 2020

G.S.R. 21(E).—In exercise of the powers conferred by clauses (c) , (e) , (f) and (g) of sub-section (2) of section 30 of the Railway Claims Tribunal Act, 1987 (54 of 1987), the Central Government hereby makes the following rules further to amend the Railway Claims Tribunal (Procedure) Rules, 1989, namely :-

1. **Short title and commencement.**—(1) These rules may be called the Railway Claims Tribunal (Procedure) Amendment Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Railway Claims Tribunal (Procedure) Rules, 1989, for rule 8, the following rule shall be substituted, namely:-

“8. Place of filing application for compensation in accident or untoward incident claim.- An application for compensation payable under section 124 or 124-A of the Railways Act, 1989 (24 of 1989) may be filed before the Bench having territorial jurisdiction over the place where the accident or untoward incident occurs or where the claimant normally resides”.

[F. No. 2018/TC(RCT)/1-2]

VIVEK SRIVASTAVA, Executive Director (Public Grievances)

Note: The Principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R.842(E) dated the 19th September, 1989 and subsequently amended as follows:-

- | | |
|--|--|
| 1. G.S.R. 700(E), dated the 26 th November, 1991; | 13. G.S.R. 283(E), dated the 11 th April, 2007; |
| 2. G.S.R. 438(E), dated the 28 th April, 1992; | 14. G.S.R. 96(E), dated the 22 nd February, 2010; |
| 3. G.S.R. 509(E), dated the 15 th June, 1994; | 15. G.S.R. 711(E), dated the 17 th September, 2015; |
| 4. G.S.R. 270(E), dated the 8 th July, 1996; | 16. G.S.R. 464(E), dated the 28 th April, 2016; |
| 5. G.S.R. 59(E), dated the 6 th February, 1997; | 17. G.S.R. 332(E), dated the 5 th April, 2017; |

RAILWAY CLAIMS TRIBUNAL

❖ CHAPTER XIII of RA 1989:

Sec. 123-129: Liability of Railways for death and injury to passengers due to

1. Accidents;
2. Untoward incident;
3. Loss of Goods

❖ Section- 123: Definitions

Accident:

- ✓ Collision between trains;
- ✓ one of them being a passenger carrying train;

RAILWAY CLAIMS TRIBUNAL

- ✓ Derailment (or) other accident to a train (or) any part of train carrying passengers “which endangers safety of passengers or their baggage”
- ✓ “Passenger”- A Railway servant on duty & A person having a valid Ticket/Pass/PF Ticket
- ❖ Section: 123(2)(C):Untoward Incident
 - ✓ Terrorist act Violent attack
 - ✓ Robbery or Dacoity
 - ✓ Rioting, shoot-out or arson

RAILWAY CLAIMS TRIBUNAL

- ❖ EXGRATIA: There's no acceptance of blame and no legal requirement to pay
- ❖ COMPENSATION: Compensation is made because of harm done, but this payment is ordered by a court or a tribunal.
- ❖ Section 124: Extant of liability of railways during Accidents
- ❖ Section 124A: Extant of liability of railways during untoward incident

Ex-gratia paid by Railway Administration

	In case of	Normal rate of ex-gratia	Amount of ex-gratia to be paid by cash/cheque in case of enhanced ex-gratia	
			By cash	By cheque
1.	In case of Train Accident (Sec-124 of the Act)			
i)	In case of death	Rs.50,000	Rs.50,000	Announced amount of exgratia minus Rs.50,000
ii)	In case of grievous injury	Rs.25,000	Rs.25,000	Announced amount of exgratia minus Rs.25,000
iii)	In case of simple injury	Rs.5000	Rs.5000	Announced amount of exgratia minus Rs.5000
2.	In case of Untoward Incident (Sec-124-A of the Act):			
i)	In case of death	Rs.15,000	Rs.15,000	Announced amount of exgratia minus Rs. 15,000
ii)	In case of grievous injury	Rs.5,000	Rs.5,000	Announced amount of exgratia minus Rs.5,000
iii)	In case of simple	Rs.500	Rs.500	Announced amount of

(Exgratia during Hospitalization)

Train Accident (Ex-gratia)	Untoward Incident (Ex-gratia)
Up to 30 days of hospitalization:25,000/-	Up to 30 days of hospitalization: 5,000/-
Thereafter Rs.300 per day for every 10 day period or discharge, whichever is earlier	Further 6 months: Rs.1000/- per week or part thereof
	Further 5 months: Rs.500/- per week or part thereof

Maximum period for grievously injured passenger will be 12 months (On certification of Railway Doctor)

RAILWAY CLAIMS TRIBUNAL

❖ Compensation shall not be paid:

If Passenger dies or suffers injury due to

- Suicide or attempted suicide
- Self inflicted injury
- His own criminal act
- Any act committed in a state of intoxication or insanity
- Any natural cause or disease or medical/surgical treatment.

RAILWAY CLAIMS TRIBUNAL

SECTION 125: Application for Compensation

- ✓ Injured self
- ✓ By his agent/lawyer
- ✓ If minor, by guardian
- ✓ In case of death, by dependent
- ✓ If dependent is minor, by guardian

❖ SECTION 126: Interim relief by railways

- ✓ Shall apply to Railways & may pay as per case
- ✓ Not be more than the compensation payable by RCT & Final order of RCT will take into account

RAILWAY CLAIMS TRIBUNAL

❖ **SECTION 127**: Determination of compensation in respect of any injury or loss of goods :

✓ Will be determined by RCT

✓ Compensation payable in case of death or permanent disability due to train accident or Untoward incident is **Rs. 8 lakhs**

❖ **SECTION 128**: Saving as to certain rights.

(1) The right of any person to claim compensation under section 124 shall not affect the right of any such person to recover compensation payable under the Workmen's Compensation Act, 1923, or any other law for the time being in force;

RAILWAY CLAIMS TRIBUNAL

❖ But no person shall be entitled to claim compensation more than once in respect of the same accident.

Nothing shall affect the right of any person to claim compensation payable under any contract or scheme providing for payment of compensation for death or personal injury or for damage to property or any sum payable under any policy of insurance.

❖ Section 129: Power to make rules in respect of matters in this chapter

The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

RAILWAY CLAIMS TRIBUNAL

❖ Procedures and powers of the Tribunal:

- ✓ Summoning and enforcing the attendants of any person and examining him under oath
- ✓ Production of documents
- ✓ Receiving evidence on affidavits
- ✓ Requiring any public record or document or copy of such record from any office.
- ✓ Issuing Commissions for the examination of witnesses or documents

RAILWAY CLAIMS TRIBUNAL

- ✓ Reviewing its decisions
- ✓ Dismissing an application for default or deciding it ex parte
- ✓ Setting aside any order or dismissal or any application for default
- ❖ Time Limit: An application for any claim should be filed
 - Within **3 years** from the date of booking of parcels and goods
 - Within **one year** of occurrence of accident under Sec. 124 and Sec. 124-A

RAILWAY CLAIMS TRIBUNAL

- ❖ If the decision given by the Tribunal is against the Railways or the party, they can appeal to the High Court and if necessary to the Supreme Court **within 90 days** from the date of order.
- ❖ **DUTIES OF SS, GUARD, CONDUCTOR & TTE**, If an untoward incident occurs at station.
 - i. Make necessary entries in the Station diary & make out a report.
 - ii. Arrange Medical aid.
 - iii. Report incident all concerned within 24 hrs.
 - iv. Fill up form-I

RAILWAY CLAIMS TRIBUNAL

❖ In case incident at midsection: Any railway servant (including Guard, TTE and LP of the train), on coming to know the occurrence of an untoward incident, shall report the incident immediately to the nearest SS.

❖ Financial Powers:

Bench	Goods Cases	124 & 124 A Cases
Single	Rs. 2,00,000/-	Rs. 8,00,000/-
Double	Unlimited	Rs. 8,00,000/-

Investigation Report- Flow chart

**Guard/Loco Pilot/Key
man/Patrol man
/Gang man /Gate man etc**

**SS of the
nearest station**

**SS message to GRP & RPF
& all concerned.**

GRP

Lodging FIR

Conduct Inquest

**Post Mortem
Examination Report**

**Handover the dead body
to the relatives**

RPF

**Conducts statutory
investigation (I O)**

**Obtain Inquest Report/PME/
Jama Talashi Report etc from GRP**

**Collect additional evidences
if required.**

**Submission of report for DSC by
I.O (within 60 days)**

**DSC submits report to DRM
(within 15 days)**

**DRM's acceptance/Non acceptance
(within 15 days)**

If accepted

**a).Intimate SS concerned
b).Submit report to CCO.(within 15 days)**

Not accepted

**Conduct reinvestigation and³⁰
submit again immediately**

**Filing of OA by Applicant at RCT
(Maximum one Year from the date of incident)**

Dispatch OA copy to CCO office

Registering the case in CCO's Office (Web)

**Forwarding the case by CCO's office to Sr.DSC office concerned
(In case statutory reports not received)**

Receipt of statutory report (DRM Report)

**Filing Written statement along with statutory report in
original**

Examination of applicant evidence

Examination of Railway evidence

Arguments

Pronouncement of Judgments

Powers delegated to officers for Settlement of loss and damage claims

General Manager	.....	Unlimited
CCM in HAG or Coordinating Head or CCO	....	Rs.8,00,000
Dy.CCM(Claims) or Dy.CCO	.....	Rs.2,00,000
SCM	.....	Rs.50,000
ACM	.....	Rs. 25,000

This has been revised vide Railway Board letter No. 2017/TC-III/2/1 dt. 17.3.2017.



THANQ