

To,

**The Hon'ble Chairman,  
Railway Claims Tribunal  
13/15, Mall Road,  
Delhi.**

Subject: **Activity report of RCT bench of Ghaziabad during my tenure from 28.02.2017 to 31.12.2019.**

When I joined as member technical in Ghaziabad bench of Railway Claims Tribunal on 28.02.2017 it was faced with four main problems.

- 1. High pendency of claim cases.**
- 2. Late filing of DRM reports.**
- 3. Delayed payment of decreed amount to applicants by railways.**
- 4. Harassment of applicants by their legal counsels by making less, late or no payments.**

These problems, endemic in RCT's, affected them all in varying degrees. Not case by case but institutionalized system improvement measures were thought to be the only lasting solution. To this end, various measures were taken.

#### **1. HIGH PENDENCY OF CASES:**

As on 28/02/2017 i.e. on the date of my joining, a total number of 1998 cases were pending in RCT/GZB. Reduction in number of this pendency was the greatest challenge. It was handled by:

- 1.1 Quick disposal of cases:** During the last two years of my tenure a total of 1594 cases have been decided. While in 2017 the number of decided cases was 681, in 2018, it increased to 913, an all time record for RCT/GZB in a year. A brief detail is as under: -

<b>Year</b>	<b>Total disposal</b>
<b>2015</b>	<b>190</b>
<b>2016</b>	<b>669</b>
<b>2017</b>	<b>681</b>
<b>2018</b>	<b>913</b>

This feat was achieved by hearing more cases per day, expediting procedures and by summary disposal of cases where views of both the respondents and applicants converged. As a result, the number of cases pending in RCT/GZB have decreased to 1343 from a high of 2443 in 2015 i.e. within three years. A brief detail is as under:

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<b>Year</b>	<b>Total pending cases</b>
<b>2015</b>	<b>2443</b>
<b>2016</b>	<b>2043</b>
<b>2017</b>	<b>1919</b>
<b>2018</b>	<b>1343</b>

**1.2 Careful screening of cases at registration level:** Careful screening of claim cases at registration stage revealed many glaring irregularities and ugly modus operandi of applicant's counsels, who used to cheat both railways and applicants by giving false and fictitious information in plaints at initial level itself.

Large number of cases were found having applicants account in branches of two banks one in Delhi and another in Lucknow. On suspicion of wrong doing, branch managers of both the banks were summoned. While one, after showing details and extent of mischief, accepted it and was let off with a warning to desist from this practice, lest he be reported to investigating agencies like CBI. In another case, the manager informed that these account numbers don't exist in his bank, implying these were fictitious.

1.3 Further enquiry revealed that these account numbers were indeed bogus and non-existent. The applicant counsel had given these account numbers in plaint just for filling the column on an explicit plea that new account numbers would be provided when the case is allowed. However, it is suspected that these were mostly fake cases, fabricated in connivance with police officials. This suspicion gets reinforced by inexplicable act of some of the applicant counsels, who, in many cases, have declined to proceed further on the grounds that either the applicant is not available or not keen to follow the case.

1.4 This brazen irregularity has been checked by strict screening of cases at registration stage in respect of information about the applicants like their residential address, identity proof and genuineness of bank accounts which has to be near home address.

1.5 This has brought about a salutary effect on registration of new cases which has declined sharply in recent months. A brief comparative detail of reduction in filing of the cases is as under: -

Month	2017	2018
July	56	24
August	54	26
September	65	15
October	43	31
November	77	30
December	26	18

It is rumored that applicant counsels are keeping files of new cases with them with the intention to file them after my retirement. But, sadly for them, measures introduced in this bench will frustrate all their attempts to defraud the system in future as well.

## 2. **LATE FILING OF DRM REPORTS**

DRM reports, bedrock of every claim case, are mandated by act to be filed within 60 days, but here, they wouldn't be filed for years, delayed either at divisional level or by railway advocates who will keep the reports with them for years before filing at the end.

This trend, besides delaying early finalization of cases, was costing railway dearly by way of payment of interest which the railway was obliged to pay for the delayed period. Worst, the delay undermined the faith of applicants in RCT to deliver justice in time forcing them to lose hope and stop following the progress of case.

This sense of hopelessness was exploited by their unscrupulous counsels to the hilt. It was a desperate situation warranting immediate, effective measures. Following measures were taken by this bench to retrieve the situation.

2.2 **Ensuring strict compliance of rules on filing of DRM reports** and insistence on its filing on initial stages of hearing itself and severely reprimanding railway advocates for failure and holding the reports with them. In many cases this has been reported to the railways concerned with desired effect.

2.3 **By summoning concerned ADRMs in tribunal** seeking explanation for delay, and more importantly, for explaining them the implications of non-filing of DRM reports in time. Meetings with ADRMs proved very fruitful as after realizing the value and importance of filing reports in time, effective measures have been taken by them to ensure compliance of instructions on the subjects. As a result, in this bench, now the DRM reports are being filed in time, thus removing the most important cause for delay in finalization of cases.

### **3. DELAYED PAYMENTS TO APPLICANTS BY RAILWAYS:**

Railways were found making delayed payment of decreed amount to the applicants, sometimes extending to years. The delay, besides causing immense hardship to applicants and earning bad name for railways, was also a cause for financial burden to railways on account of interest payment for the delayed period. Cases filed by applicants for execution of decree further created workload of tribunal and railways. This problem was tackled by:

- 3.1 Increasing time period for payment by railways from 60 to 90 days as many railways reported 60 days as insufficient time.
- 3.2 Making payment compulsory within 90 days. It was made legally bound by inserting a clause to this effect in the decree itself and also mandating recovery of extra amount paid for delayed period from the salary of the official responsible for causing such delay.
- 3.3 Summoning both commercial and account officials jointly in tribunal seeking explanation for delay in payment and for explaining them the implications of not making payment in time.

All these measures have created desired effect and now payments are being made in time.

### **4. LESS PAYMENT TO AND HARASSMENT OF APPLICANTS BY THEIR LEGAL COUNSELS:**

- 4.1 In a number of cases it was found that the applicant's counsels are opening joint account with applicants near their offices, keeping all relevant documents like passbook, signed cheques etc with them, keeping the poor applicants in dark regarding progress of case and charging very high fees including the amount allegedly to be paid to staff, officers and members of the tribunal. In many cases either they would pay small amount to applicants or in some cases no amount at all. In this regard, many complaints, both written and oral, were received by us. However, in the most of the cases the poor applicants couldn't speak against their counsels due to fear.
- 4.2 In few cases the applicants, when coming to know that they can meet the Members directly for redressal of their grievances, came to us with story of their travails narrating as to how their counsels are threatening them not to report matters of non-payment and non-handing over of FDR document to the tribunal. It was a widely prevalent and well-known disease eating vitals of reputation of RCT's needing immediate, effective treatment. Following steps were taken by this tribunal to end this.
- 4.3 The applicants of the allowed cases are being directed to submit details of their bank account afresh of the banks situated near their home address, if not done earlier.
- 4.2 Respondent railways are directed to ensure payment to these accounts only after due verification for their correctness and genuineness.

- 4.3 Respective bank managers are directed to ensure payment to applicant's accounts and also to hand over the FDR documents personally to the applicants themselves.
- 4.4 One copy of decree is being dispatched to home address of applicants at govt expense. Also, majority of the decrees are being typed in Hindi for the benefit of applicants.
- 4.5 In payments, the cash element has been reduced to 20-25%, rest being paid in form of time bound FDRs so that unscrupulous elements cannot take undue advantage of readily available cash.
- 4.6 All these instructions have been made as part of the decree to make them legally binding.
- 4.7 In some cases, we also sought help of local administration like District Magistrates and SP/SSPs to disburse decreed amount to applicants directly.

## 6. Quality improvement in decrees:

Being a non-judicial person it took me a while to understand the finer nuances of judicial processes. Clear understanding of nature of cases also took some time. I am still in the process of learning yet, on the basis of whatever little I gained, I have tried to impart some qualitative change in nature of decrees. As a result, now the judgements are more balanced, reflecting better application of mind and understanding. A brief comparative detail is as under:-

Month	2017		2018	
	Decree	Dismiss	Decree	Dismiss
July	41	17	42	53
August	53	19	24	38
September	50	19	25	52
October	17	16	28	62
November	52	05	27	60
December	23	06	28	59

## 7. Chronological clearance.

All the cases up to 2013 have been decided. Only a few cases pertaining to 2014 are left. Hundreds of goods cases pending since long, in some cases for more than a decade, have been decided. Now, few goods cases are pending, also hundreds of cases pertaining to 2015, 2016 and 2017 have been decided. Some of the cases of 2018 are also decided and others have started being listed for final arguments.

Thus, by these measures this Tribunal has restored the faith of applicants in RCT for faster and fair judgement, saved crores of rupees to government and has galvanized the machinery to work in tandem towards a common goal. The working has been simply revolutionized.

## 8. Stiff opposition:

- 8.1 However, the task of implementing these measures was not easy. They attracted stiff opposition from applicant counsels who tried their best to disturb, discourage

and provoke us by resorting to various acts like entering into unnecessary arguments, threatening to boycott bench proceedings, lodging anonymous complaints against members, officers and staff and filing unnecessary RTIs for harassing and creating pressure for delaying decisions and getting favorable verdicts etc. But, the bench, remained fully focused and steadfast to its task completely unruffled, conducting its proceedings nonchalantly.

As a result, today, the RCT bench of GZB has become one of the most efficient, effective and the fairest bench in the system.

## **9. GRATITUDES:**

- 9.1 The sole credit, sir, for this outstanding achievement, goes to you, as without your unstinted, wholehearted support, guidance and exemplary leadership, it wouldn't have been possible to effect such positive changes in this bench. So, please accept our most sincere thanks and gratitude for your kindness.
- 9.2 I would also like to thank Registrar & staff of Principal Bench for their cooperation for prompt disposal of all the matters helpful for the working of this bench.
- 9.3 Large share of credit for this improvement goes to two Judicial Members, with whom I had the privilege to share the bench. Their enthusiasm in initiating and implementing these measures was instrumental in making them a success. It was all a joint effort.
- 9.4 Credit also goes to officers and staff working in this Tribunal helping implement the instructions very diligently and enthusiastically. I would like to make special mention of two typists Shri Dinesh Chandra and Shri Shashi Bhushan Gupta, particularly the former, who have worked overtime, working even on holidays to type such large numbers of decrees in time.
- 9.5 I would also like to thank officers and staff of various respondent railways for responding positively to our directives from filing DRM reports in time to making early payments to applicants. In this regard the response of Northern and North Central railway was most encouraging and appreciable.
- 9.6 Positive response from Railway Board officials was another factor that help this Tribunal to perform so brilliantly.
- 9.7 Last but not the least, the contribution of all our member colleagues of various RCTs, has been really significant. The insight gained from one to one telephonic interaction or collective deliberation through social media, both proved very valuable. A big thanks to all of them.

## **10. HIS GRACE**

Sir, it was a privilege to work as Member Technical dispensing justice, the noblest work in the whole world. I consider it as a pure blessing of God, seen particularly, in the light of the fact that he also afforded me the opportunities to serve in Army, another noble profession and the civil service. I firmly believe that these graces were not possible, in my case, without his blessing. So, I express my deepest and the most profound gratitude to him for everything, he has done for me.

## 11. **EPILOGUE**

Taking it as his blessing and despite not trained in legal profession I gave my best to this job by showing fair and humane face of justice to the genuine plaintiffs, creating fear in minds of fraudsters and signaling need for promptness in action by railways. I don't know how far I have succeeded but I myself wish I could do a few things more.

Strangely, we humans strive for completeness, little realizing that completeness, creates void, induces listlessness, consuming all the energy to barely sustain the efforts to just hold on.

On the contrary, incompleteness spurs action, keeps the quest alive with a motivation for moving forward. Hence, it's the life. So with a sense of fulfillment and incompleteness I am signing off as my stoppage time for this halt is up and the journey in quest continues.

*"The words are lovely dark and deep,  
12. But, I have promises to keep,  
13. And miles to go before I sleep,  
14. And miles to go before I sleep".*

**Yours faithfully,**

**Capt. J.P. Singh  
Member Technical  
RCT/Ghaziabad**