

निबंधक
Registrar



रेल दावा अधिकरण
Railway Claims Tribunal
प्रधान पीठ / Principal Bench

Date: 20.08.2018

No. RCT/DLI/Judl.Polcy/2016

To,

All Additional Registrars

All RCT Benches

Sub: Checklist/due diligence to be observed at the time of registration of claims application.

- Ref: 1. Rule 5, Rule 11 of RCT (Procedure), Rules 1989
2. Chairman, RCT, Delhi letter no. RCT/ERS/Judl.Policy dated 05.01.2017
3. Chairman, RCT, Delhi letter no. RCT/DLI/CMN/Misc/2016 dated 04.06.2018.

Rule 5 & Rule 11 of RCT (Procedure) Rules, 1989 prescribe the procedure for filing applications and scrutiny of applications by the Registry before registering an application for adjudication. As per Section 18 (1) of the Railway Claims Tribunal Act, 1987 the claims Tribunal has powers to regulate its own procedure and is not bound by the procedure laid down by the Code of Civil Procedure, 1908. Under this power, Hon'ble Chairman has already issued two letters referred above (Ref 2 &3) to follow the procedure during registration, adjudication and execution of application in RCT.

Based on above provisions and letters issued by Hon'ble Chairman, RCT a checklist/due diligence to be observed by the registry of the RCT before registration of the case is given below. The mandatory requirement has been marked as star (*) and others are desirable requirements. If the applicant is not providing the information which is star (*) marked the application may be returned treating it as deficiency/defects in the application. The applicant may be given reasonable time to remove the defects, failing which the application shall be rejected by the Additional Registrar/ Assistant Registrar of the Bench.

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**Checklist/Due Diligence to be observed before registering Claim Application u/s
124 and 124-A of Railway Act 1989**

I. Details of dependents/Family members in the Application :-

The application shall contain complete details along with photographs of all alive dependent family members (irrespective of their marital status) namely- Sons, daughters, Parents, husband, wife, grandparents etc. (as defined in section 123 of Railway Act 1989) and any member who is unwilling to join.

II. Name of the Respondent Railway

As per Rule 8 of RCT (Procedure) Rules, 1989, a claim application can be filed in the RCT Bench having territorial jurisdiction over the place from where the ticket has been purchased or the destination station mentioned in the ticket or place of accident/untoward incident or where claimant normally resides. But the name of the Zonal Railways where accident or untoward incident has occurred is must as a respondent so that the DRM report can be submitted in time. If an application does not mention the name of Zonal Railways under whose jurisdiction the accident/untoward incident has occurred as a respondent, the application should be treated as defective and it should be returned to the applicant/counsel of the applicant for removing the defect.

III. Details of Documents to be attached/enclosed with Application :-

(1) Documents showing the relationship :-

The applicant shall enclose the documents showing their relationship with deceased/injured. As a proof of relationship any of following documents shall be enclosed with application - Aadhar card, Ration card, Voter Id card, Driving License, Passport, Family Register, etc.

(2) Document showing Bank Details :-

The account details of the bank of every major applicant at or near his place of residence.

(3) The documents required in case of untoward incident resulting in death –

- a) Journey ticket
- b) *Post Mortem Report/ Death certificate
- c) *Report from SM, RPF etc. regarding the untoward incident happened in Railway Premises.
- d) FIR or DD report
- e) *Inquest report

(4) The documents required in case of untoward incident resulting in injuries:-

- a) *Copy of Hospital record/ Accident register/wound certificate/ Medico legal certificate
- b) Discharge summary etc. for proving the injury.
- c) Disability certificate.
- d) Journey ticket.
- e) *Report from SM, RPF etc. regarding the untoward incident happened in Railway Premises.

IV. Presentation of Claim Application :-

The Claim Application should compulsorily include the following :-

- a) * The photographs of the claimants and their signatures.
- b) *Thumb impressions in case of illiterate claimants.
- c) *Signatures and Stamp of Advocate on each and every page of claim application.
- d) *Signed Stamped Vakalatnama with welfare ticket.
- e) * Checklist of Advocate.
- f) * Advocate Diary form filled by the new advocate for creating Advocate Diary.
- g) Mobile number of Applicant (injured/dependant of deceased/legal representative) or one alternate mobile number for contacting the applicant.
- h) * Residential Address
- i) * Aadhar card/ Ration card/ Voter Id card/ Driving License/Passport/ Family Register etc.
- j) * Bank Account Details of all major applicant at or near his place of residence.
- k) * Respondents must include the name of Zonal Railways where the accident/untoward incident has occurred.

V. Additional Registrar will ensure that registration of the claim application is done by observing above mentioned instructions. The applicant/counsel of applicant, if not satisfied with the decision of registrar, may file an appeal against the order of Additional Registrar to the Member as per the provision of Rule 11 (5) of RCT (Procedure) Rules, 1989 who may pass appropriate orders to register the claim application either as Miscellaneous application (MA) or as Original Application (OA) depending on the merits of the case.

This has approval of Hon'ble Chairman, RCT, Delhi.

KW
20/08/2018
K. B. Yadav