

Railway Claims Tribunal, Principal Bench, Delhi

Minutes of the Meeting held via Video Conferencing with Representatives of the Bar Associations and Advocates practising at RCT Delhi, Ghaziabad and Lucknow Benches on 15.10.2020 at 2.30p.m.

Present: -

| Railway Claims Tribunal, Delhi | | |
|---------------------------------------|-----------------------------------|------------------------|
| S. No. | Name | Designation |
| 1 | Hon'ble Mr. Justice K.S Ahluwalia | Chairman, RCT, Delhi |
| 2 | Shri Vijay Kumar | Member (Tech) |
| 3 | Shri Sunil Mathur | Member (Tech) |
| 4 | Smt Aashima Mehrotra | Registrar |
| 5 | Shri Akshay V. Bhardwaj | Addl. Registrar |
| 6 | Shri KPS Nirwal | Asstt. Registrar |
| 7 | Shri N.L. Gandhi | PS-II to Hon. Chairman |
| 8 | Shri D.S Bhardwaj | Chief Office Supdt. |
| 9 | Smt Sonal Behl | Court Master |
| 10 | Shri Laxmi Narayan | Court Master |
| 11 | Shri Jitender | Court Master |

| Advocates & Representatives of Railway Claims Tribunal Bar Associations | | |
|--|------------------------|--|
| S. No. | Name | Designation |
| 1 | Smt Ashima Sood | Treasurer, Bar Association, RCT, Delhi |
| 2 | Shri Dushyant Swaroop | Member, Bar Association, RCT, Delhi |
| 3 | Shri M.S Bhatia | Vice-President, Bar Association, RCT, Delhi |
| 4 | Shri Anupam Srivastava | Railway Advocate |
| 5 | Shri Jai Singh | Railway Advocate |
| 6 | Shri S.C Rajpal | Railway Advocate |
| 7 | Shri H.K Gautam | Treasurer, Bar Association, of erstwhile RCT/GZB |
| 8 | Smt Neelam Srivastava | Railway Advocate |
| 9 | Shri R.K Agnihotri | Railway Advocate |
| 10 | Shri Rajesh Kumar | Railway Advocate |
| 11 | Shri M.P Rana | Railway Advocate |
| 12 | Shri N.K. Gupta | President, RCT Bar Association, Delhi |
| 13 | Shri Upjeet Singh | Railway Advocate |
| 14 | Shri Salek Chand | Railway Advocate |
| 15 | Shri P.K. Singh | Advocate |
| 16 | Shri Subhash Sachdeva | Advocate |
| 17 | Shri Sukhdev Singh | Railway Advocate |

PO Office

1. Shri J.N. Meena, Presenting Officer, RCT, Delhi.

1. The Hon'ble Chairman, Railway Claims Tribunal (RCT), initiated a meeting with the advocates practicing at RCT Delhi which included the office bearers of the three Bar Associations namely Bar Association of RCT/Delhi, Bar Association of erstwhile RCT/ Ghaziabad and Association of Railway Advocates from Lucknow Bar Association.

2. The meeting commenced with the Registrar, RCT, Smt. Aashima Mehrotra, extending a warm welcome to all the participants. She briefed the participants about the agenda of meeting, given as under:

- a) Prospects of resuming physical court hearings

Or continuing with the present virtual court hearings in compliance with Hon. Delhi High Court's directives bearing No. 500/RG/DHC/2020 dated 08.10.2020

- b) Taking up the cases of Applicant's Evidence on virtual platform in court set up.

She requested Hon'ble Chairman to address the participants.

3. Hon'ble Chairman in his address expressed concern about the Covid 19 situation and health of staff found positive in Delhi Bench. Hon'ble Chairman reviewed the stage-wise pendency of cases and its disposal. He observed that we may explore the way to reduce Applicant evidence cases/ Respondent evidence cases as a next step for ensuring speedy disposal. He suggested the attendees a structure for taking up evidence cases through video conferencing. He stated that concerned advocate will file an application along with affidavit of deponent 15 days in advance with copy to the other side, with his photograph pasted and duly attested on his affidavit. The examination and cross-examination of the witness is proposed to be held in the presence of Asstt. Registrar, RCT, Delhi at the Court premises where Hindi Steno sitting there will record evidence. The same will be read out before the parties and after consent of the concerned advocates, the same will be taken on records. Thereafter, Hon. Chairman invited all the advocates to share their views on the proposed mechanism.

4. Amongst members present from the side of Bar, Smt Ashima Sood of Delhi Bar Association also represented two Lawyers from GZB. She apprised that Shri M. Hussain was hospitalised after being diagnosed as Corona positive. She proposed that the present virtual court hearings should continue as there is difficulty for parties to visit either the Advocate or the Court due to Covid-19 and consequent restrictions and non-availability of proper transport facilities.

5. Shri P.K Singh of Lucknow Bar Association expressed his consent to continue with Virtual Hearing in compliance of Instructions issued by Delhi High Court. On the suggestion that either deponent be allowed to appear virtually from the chamber of

advocate or from the place of residence of applicant, Hon. Chairman expressed his reservation as it is not as per laid down procedure and the same may result in apprehension of prompting. He mentioned that whenever Applicant Evidence resumes, witness will be required to report at RCT Court premises and will be examined in the presence of A.R./ RCT.

6. The advocates from GZB and Delhi Bar Association viz. Shri H.K. Gautam, Shri M.P. Rana, Shri Dushyant Swaroop, Shri M.S Bhatia, Shri Jai Singh and Shri R.K. Agnihotri similarly deliberated upon the issue and expressed unanimous opinion to allow the virtual court hearings to continue up to 30.11.2020 on the account of the litigants facing severe difficulties on account of Covid-19 situation and resultant restrictions and insufficient transport facilities. On the suggestion of Shri H.K. Gautam to take up miscellaneous cases of correction, Hon. Chairman directed Registry officers to post 5 such cases on daily basis for disposal.

7. The Hon'ble Chairman after consultation with the Advocates decides as under:-

- In line with directions of Delhi High Court and on account of difficulties of litigants to come and appear from far off places and on account of staff and Advocates having been found Covid-19 positive, the court proceedings will continue to be held on Virtual Platform till 30.11.2020.
- The issue of Applicant Evidence through virtual platform in court set-up will be taken up in a meeting with Bar Associations on 23.11.20.
- Meanwhile the concerned advocates can prepare and send a list of cases which can be taken up on Applicant Evidence. Those desirous can file an application along with the duly attested affidavit with photograph of deponent (at least 15 days in advance) with a copy to the Railway Advocate. If the situation improves, after consent of both the parties, the hearing of Applicant Evidence cases can be explored as per proposed mechanism December onwards.

8. The proceedings of the meeting concluded with Vote of thanks to the Chair and all attendees.


(Aashima Mehrotra)
Registrar

Dated: 15.10.2020

Copy to: Presenting Officer, RCT Delhi
RCT Web Portal