

M.M.DAS,J

F.A.O No.127 OF 2011(Decided on 29.07.11)

PADMABATI BEHERA & ANR.

.....Appellant.

.Vrs.

UNION OF INDIA

.....Respondent.

**RAILWAY CLAIMS TRIBUNAL ACT, 1987 (ACT No. 54 of 1987), SEC-17.
r/w SEC. 5 OF LIMITATION ACT.**

For Appellant - M/s. Gajendranath Rout.

For Respondent - M/s. A.Mishra.

Heard Mr.Rout, learned counsel for the appellants and Mr. Mishra, learned counsel for the respondent.

This appeal has been filed against an order passed by the Railways Claims Tribunal, Bhubaneswar rejecting the application filed by the appellants for award of compensation on the ground of delay.

It appears that the alleged incident took place on 20.06.2001 and the application was filed on 15.12.2008, i.e., with a delay of more than six and half years.

Learned Tribunal considering the grounds stated in the application for condonation of delay refused to condone the same and dismissed the claim application. The application was filed under section 16 of the Railways Claims Tribunal Act, 1987 (for short the 'Act') for which limitation is provided under section 17 of the said Act. Under section 17(i)(b) of the Act, any application filed under section 13 (I-A) for compensation shall be filed within one year. Sub-section (2) of section 17 empowers the Tribunal to condone the delay, if any, in filing such application, if sufficient cause for not making the application within the period specified is shown by the applicant. In the instant case, the only ground, which was taken by the applicant, was that the applicant was ignorant of the fact as well as the law for which there was a delay. This can never be construed to be sufficient ground for condoning the delay.

Learned counsel for the appellants submit that while condoning the delay the term sufficient cause should be given a liberal interpretation for doing substantial justice. In support of his contention, he refers to the case of **Ram Nath Sao @ Ram Nath Sahu and Others Vrs. Gobardhan Sao and Others** reported in A.I.R. 2002(SC) 1201.

I have considered the submissions made by the learned counsel for the appellants as well as Mr. Mishra, learned counsel for the respondent in this appeal. It is no doubt true that for rendering substantial justice, the term sufficient cause should be liberally interpreted in a case. But such liberal interpretation also has limitation. It

cannot mean that any period of delay without sufficient explanation can be condoned on the ground that sufficient cause should be given a liberal interpretation.

I, therefore, while repelling the contention of the learned counsel for the appellants find that the learned Tribunal has not committed any error in rejecting the claim application filed by the appellants on the ground of delay.

The appeal being devoid of merit is accordingly dismissed.

Appeal dismissed.