



2026:DHC:2381



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 24.02.2026
Pronounced on : 20.03.2026
Uploaded on : 20.03.2026

+ **FAO 155/2023**

SURESH KUMAR

.....Appellant

Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Vijay Joshi, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the order/judgment dated 21.03.2023 passed by the Railway Claims Tribunal, Delhi (hereinafter referred to as the "Tribunal"), in Case No. MA/DLI/06/2023 titled as, 'Suresh Kumar vs. Union of India'.
2. *Vide* the aforesaid order, the Tribunal dismissed the claim application along with the application for condonation of delay filed by the claimant/appellant on the ground of limitation without examining it on merits.
3. The brief facts of the case, as stated in the claim application, are that on 14.06.2015, the appellant/injured while performing his duty as Deputy



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Chief Yard Master, was engaged in shunting Train no. 12438 (*Rajdhani Express*). During the course of such duty, he accidentally fell down and was run over by the train, resulting in serious and grievous injuries all over his body, including crush injuries to his right hand.

4. The aforesaid claim application was filed on 19.12.2022 alongwith the application for condonation of delay of 6 years, 6 months and 5 days(approximately 2379 days).

5. Learned counsel for the appellant submitted that the delay in filing the claim application occurred due to genuine and unavoidable circumstances, which the Tribunal failed to properly consider. It is submitted that the appellant is a poor person who suffered grievous injuries in the railway accident and remained under considerable physical and financial distress, and further, his wife was undergoing continuous treatment for breast cancer from 2018 to 2022. It is further contended that the appellant, now retired, being unaware of the specific remedy under the Railway Claims Tribunal Act, had earlier pursued compensation claim under the Employees Compensation Act, and only upon gaining knowledge of the appropriate remedy in 2022 did he file the present claim. Lastly, a substantial part of the delay is also covered by the limitation extension granted during the COVID-19 pandemic.

6. *Per Contra*, learned counsel for the respondent submit that the delay is gross, inordinate and wholly unexplained, and the Tribunal rightly refused to condone the same. It is submitted that the appellant, being a railway employee, had in fact already pursued and succeeded in proceedings under the Employees Compensation Act. It is further contended that poverty or the COVID-19 pandemic cannot justify delays ranging from over four years.



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7. I have heard the learned counsel for the parties and perused through the record.

8. It is noted that the appellant was working as a Deputy Chief Yard Master with the Railways and had suffered grievous injuries in the accident dated 14.06.2015, resulting in amputation of his right hand. It has been claimed that the appellant is a poor person who remained under prolonged physical, mental, and financial distress following the accident. It is further stated that his wife was undergoing continuous medical treatment for breast cancer from 2018 to 2022, which further aggravated his financial and personal difficulties.

9. The appellant had initially pursued compensation under the Employees Compensation Act, wherein he was awarded a sum of Rs.4,14,038/- vide order dated 24.10.2016. The appellant has stated that he remained under the *bona fide* belief that no further remedy was available to him and only upon gaining knowledge of the appropriate legal remedy in the year 2022 did he take steps to file the present claim application.

10. The Bombay High Court in *Shobha v. Union of India*¹ has held that the mere fact that compensation has been claimed or received under the Workmen's Compensation Act, 1923 does not bar the claimant from seeking compensation under the Railways Act, 1989. However, to avoid double benefit, any amount already received under the former Act is liable to be deducted from the compensation awarded under the Railways Act. The relevant paragraph reads as under :-

“13. ...In other words, the fact that the dependents of the deceased employee

¹ 2002 SCC OnLine Bom 555



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have applied for compensation under the Workmen's Compensation Act, 1923 will not prohibit the lodgment of a claim under the Railways Act, 1989, or the making of an award, but before the claim is actually paid over under the 1989 Act, a deduction must be made of the compensation which may have been recovered under the Workmen's Compensation Act, 1923. The dependents of the deceased employee have, therefore, necessarily to elect as to whether they will retain the compensation which has been awarded under the Workmen's Compensation Act, 1923 or, opt for the compensation awarded under the Railways Act, 1989 by suffering a deduction of the amount recovered under the former Act. In the latter case, a deduction has to be made of the compensation paid under the Workmen's Compensation Act, 1923 out of the compensation awarded under the Railways Act, 1989. Whereas, in the present case, the compensation which is provided for by the Railways Act, 1989 is of a higher order than the compensation payable under Workmen's Compensation Act, 1923, the dependents of the deceased can elect to opt for the compensation under the Railways Act, 1989. In that event, a deduction would have to be made of the compensation which has been recovered under the Workmen's Compensation Act, 1923. Once that is done, the employee or his dependents in the case of death would have claimed compensation only under one enactment, which is the mandate of section 128(1). The provisions of Social Welfare legislation such as the Workmen's Compensation Act, 1923 have to be construed so as to advance the object of enhancing and protecting the statutory goal and not so as to frustrate the achievement of the statutory object.”

11. On the aspect of delay, gainful reference can be made to the decision of the Supreme Court in *Improvement Trust, Ludhiana v. Ujagar Singh*², wherein it was held that while considering an Application for condonation of delay no straitjacket formula is prescribed to come to the conclusion if sufficient and good grounds have been made out or not. It has been further stated therein that each case has to be weighed from its facts and the circumstances in which the party acts and behaves.

12. It is further noted that the Tribunal did not advert to sub-Section (2) of Section 17 the Railway Claims Tribunal Act, 1987, which reads as under:

² (2010) 6 SCC 786



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“17. Limitation:

(2) Notwithstanding anything contained in sub-section (1) an application may be entertained after the period specified in sub-Section (1) if the applicant satisfies the Claims Tribunal that he had sufficient cause for not making the application within such period.”

13. It is relevant to note that the Supreme Court, In Re: Cognizance for extension of limitation in Suo Motu Writ Petition(Civil) No.3 of 2020 (Order dated 10.01.2022), bearing in mind the difficulties faced by the litigants, directed that the period between 15.03.2020 and 28.02.2022 shall stand excluded for the purpose of computing limitation.

14. The High Court for the State of Telangana, in Thati, Tati Krishnaveni v. Union of India³, condoned a delay of 2545 days in filing the claim application, considering the appellants’ illiteracy, medical conditions, and financial hardship.

15. The Madras High Court, in the case of M.Suseela Vs. Union of India⁴ dated 15.06.2012, condoned the delay of 2136 days in filing claim application by observing that refusal to condone the delay should not result in closing the doors of justice to real seekers of justice and that length of time is not criteria but the substance matters and that meritorious case shall not be denied adjudication on account of any technical plea or procedural wrangles.

16. The Andhra Pradesh High Court, in Chekka Shantha Kumari v. Union of India⁵, the delay of 2190 days in filing the claim application was condoned. These authorities reiterate the settled principle that where sufficient cause is shown, delay ought to be condoned to advance substantial

³ 2024 SCC OnLine TS 275

⁴ 2012 SCC OnLine Mad 2100

⁵ 2003 SCC OnLine AP 1170



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justice.

17. It is further noted in a decision of this Court, in Poonam vs. Union of India⁶, condoned a delay of 4 years, 9 months and 29 days in filing the claim application.

18. The Railways Act and the Railway Claims Tribunal Act arise out of beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.

19. In the present case, it can be observed that sufficient cause has been shown, as the appellant was prevented from filing the claim within time due to circumstances beyond his control, including his financial constraints, serious injuries, prolonged medical treatment of his wife, and the disruption caused by the COVID-19 pandemic. Therefore, the delay cannot be said to be deliberate or intentional.

20. In view of the judgments cited and the peculiar facts and circumstances of the case, the impugned order is set aside, and the delay of 6 years, 6 months and 5 days (approximately 2379 days) is condoned. It is clarified that this Court has not expressed any opinion on the merits of the case. The matter is remanded back to the Tribunal for consideration on merits in accordance with law. The matter shall be listed before the Tribunal in the first instance on 02.04.2026.

21. Accordingly, the present appeal is allowed and disposed of in the above terms.

⁶ 2024 SCC OnLine Del 5757



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22. A copy of this judgment be communicated to the Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

MARCH 20, 2026/dh