



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF JULY, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE R. NATARAJ**

**WRIT PETITION NO. 12947 OF 2017 (GM-RES)**

**BETWEEN:**

THE UNION OF INDIA  
BY ITS GENERAL MANAGER,  
SOUTH WESTERN RAILWAY,  
CLUB ROAD, HUBLI-580020

...PETITIONER

(BY SRI.ABHINAY Y.T., ADVOCATE)

**AND:**

1. SMT. MALINI

2. MASTER SHASHI KUMAR

3. SMT. SARASWATHI

Digitally  
signed by  
SUMA  
Location:  
HIGH  
COURT OF  
KARNATAKA



...RESPONDENTS

(NOTICE IS SERVED ON RESPONDENT NOS.1 TO 3 AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 20.03.2017 PASSED BY THE RCT, BENGALURU BENCH IN EX.A.014/2016 VIDE ANNEXURE-F AND HOLD THAT THE RCT POSSESSES NO POWER TO INITIATE CONTEMPT PROCEEDINGS AGAINST ANY PERSON FOR THE ALLEGED DISOBEDIENCE OF ITS ORDERS.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The petitioner has sought for quashing the order dated 20.03.2017 passed by the Railway Claims Tribunal, Bengaluru in Execution Application No.014/2016, by which, the petitioner was called upon to show-cause as to why action should not be initiated for non-compliance of an order passed by the Tribunal.

2. The short facts required for disposal of this writ petition are that Railway Claims Tribunal entertained an application for compensation under Section 16 of the Railway Claims Tribunal Act, 1987 and awarded a sum of



Rs.4,00,000/- payable to the respondents along with interest at the rate of 6% per annum from the date of claim petition till the date of realisation. The petitioner was required to deposit the compensation within a period of 30 days from the date of the order, failing which, the petitioner was directed to pay 9% interest per annum till the date of the actual payment.

3. Since the petitioner failed to deposit the amount into the bank account of the respondents, proceedings were initiated by the Tribunal on an application filed on 07.11.2016.

4. The Tribunal found that the petitioner had not deposited the amount, as directed and therefore issued a show-cause notice to the General Manager of the petitioner/South Western Railway, as to why action should not be initiated against him for non-compliance of the order of the Tribunal.

5. The learned counsel for the petitioner submits that when once an order is passed by the Tribunal, it



becomes *functus officio* and has no power to punish for contempt. He submits that Tribunal is entitled to entertain an execution petition for execution of its order and therefore, the order issuing show-cause notice to the General Manager is without jurisdiction and the same deserves to be quashed.

6. On the side lines of the above submission, he submits that the petitioner has now paid entire compensation as directed by the Tribunal along with interest and therefore, the proceeding before the Tribunal may be quashed.

7. Though the respondents are served with the notice of the writ petition, they have not appeared.

8. As rightly contended by the learned counsel for the petitioner, under the Railway Claims Tribunal Act, the Tribunal has no power to punish any person for disobeying its order. Once it disposes off a petition, it loses seisin over the matter and becomes *functus officio*, unlike a Civil Court, which has power to punish for disobedience of its orders.



9. It is for the claimant to initiate contempt proceedings under the provisions of Contempt of Courts Act, and it is not for the Tribunal itself to take out steps for non-compliance of its order.

10. Now that the petitioner has already paid the compensation along with interest, it is appropriate that the proceeding before the Tribunal initiated on the application of the respondents, dated 07.11.2016 are to rest.

In that view of the matter, this writ petition is **allowed**. The impugned order dated 20.03.2017 passed by the Tribunal in Execution Application No.014/2016 is set aside. Consequently all proceedings initiated against the petitioner based on the application filed by the respondents dated 07.11.2016 are terminated.

**Sd/-**  
**JUDGE**

HJ  
List No.: 1 Sl No.: 39