

**Minutes of the Meeting held via Video Conferencing with Full Court of the  
Tribunal at RCT Delhi on 04.09.2023 at 2.30p.m.**

**Present:**

<b>RAILWAY CLAIMS TRIBUNAL</b>			
<b>S.No.</b>	<b>Name</b>	<b>Designation</b>	<b>Bench</b>
1.	Justice K.S. Ahluwalia	Hon'ble Chairman	
2.	Sh. Sanjay Singh Gehlot	Hon'ble V.C (Tech)	Kolkata
3.	Sh. Mukesh Nigam	Hon'ble V.C (Tech)	Allahabad
4.	Sh. Anant Kumar	Hon'ble V.C (Judicial)	Secunderabad
5.	Sh. Vijay Kumar	Member Technical	Delhi
6.	Sh. Sunil Mathur	Member Technical	Delhi
7.	Sh. Alok Kumar Shukla	Member Technical	Bhopal
8.	Sh. S.K. Sharma	Member Technical	Chandigarh
9.	Sh. Ved Prakash	Member Technical	Mumbai
10.	Sh. R. K. Manocha	Member Technical	Ahmedabad
11.	Smt. Jhanja Tripathi	Member Technical	Jaipur
12.	Smt. Leena Sarma	Member Technical	Guwahati
13.	Sh. Ajoy Kumar Bahera	Member Technical	Bhubaneshwar
14.	Sh. Madhu Sudhan Rao	Member Technical	Secunderabad
15.	Sh. H. D. Gujrati	Member Technical	Mumbai
16.	Sh. Dhruv Singh	Member Technical	Ranchi
17.	Sh. Vijayant Singh	Member Judicial	Ahmedabad
18.	Sh. Umesh Kumar Sharma	Member Judicial	Jaipur
19.	Sh. Labh Singh	Member Judicial	Chandigarh
20.	Sh. Vinay Goel	Member Judicial	Ranchi
21.	Sh. Alok Upasani	Member Judicial	Mumbai
22.	Sh. Ivy Charles D'Curz	Member Judicial	Banglore
23.	Sh. R. Sathyabama	Member Judicial	Nagpur
24.	Sh. V.K. Ojha	Member Judicial	Patna
25.	Justice Bachchoo Lal	Member Judicial	Lucknow
26.	Sh. N.P. Pandey	Member Technical	Varanasi
27.	Sh. Nishat Ali	Member Technical	Nagpur
28.	Sh. P.K. Sahu	Member Technical	Chennai
29.	Sh. Ravi Nandkeolyar	Member Technical	Banglore
30.	Sh. Virendra Kumar Goel	Member Judicial	Bhubaneshwar
31.	Sh. Rajiv Jain	Member Judicial	Kolkata
32.	Smt. Kalpana Misra	Member Judicial	Delhi
33.	Justice. K. K.Sonawane	Member Judicial	Mumbai
34.	Sh. S.D. Sharma	Member Judicial	Ernakulam
35.	Sh. Gyan Prasad Tewari	Member Judicial	Amravati
36.	Sh. Mahtab Ahmad	Member Judicial	Guwahati
37.	Sh. G. John Prasad	Member Technical	Amravati
38.	Sh. Raj Kumar Chauhan	Member Judicial	Bhopal
39.	Sh. Deepak Nath Tiwari	Member Judicial	Gorakhpur

40.	Smt. Aashima Mehrotra	Registrar	Delhi
41.	Sh. Virendra Kumar	Additional Registrar	Delhi
42.	Sh. K. P. S Nirwal	Assistant Registrar	Delhi
43.	Sh. N.L. Gandhi	PS to Chairman	Delhi
44..	Sh. Devender Bhardwaj	Chief Off. Supdt	Delhi
45.	Smt. Sonal Behl	Chief Off. Supdt.,	Delhi
46.	Ms. Neha Rastogi	Stenographer	Delhi
47.	Ms. Sana	Stenographer	Delhi

1. The meeting commenced with the Registrar, RCT, Smt. Aashima Mehrotra, extending a warm welcome to all the participants and apprising the attendees about the agenda of the meeting. She impressed upon the need to preserve the court records in such a way that it should be possible to find, read, represent, render or interpret the information accurately corresponding to the original records with all associated information necessary for proper comprehension. She further stated that on 09.08.23, Hon. Chairman, RCT had constituted a Committee to formulate Rules and procedure for consideration and suggestion by Hon. Members of the Tribunal about digitization, preservation and retention of Court records in electronic form before the launch of the much-awaited and likely to be rolled out soon E-Court platform in the Benches of RCT. As regards digital preservation of Court, she stated, it is a secure and trustworthy mechanism and is the need of the hour when RCT is soon going to be having a paperless Court. She then requested the Convener of the Committee Shri Mukesh Nigam, Hon. Vice-Chairman (Tech), RCT, Allahabad to give a brief presentation about the report of the Committee.
2. Shri Mukesh Nigam, Hon. VC stated that while formulating rules, the Committee was guided by the SOP which has been issued by the e-Committee of the Hon'ble Supreme Court. He further stressed upon the need that whatever software is required to be adopted for use, the same should be of an ISO standard. While discussing about the existing Rule position for Section 43 and 49 of RCT (Procedure) Rules, he stated that

Rule 43 provides for all necessary documents to be kept in record room and shall be preserved for a period of three years after passing of the final order, but it does not elaborate as to which are the necessary records/documents. Listing of records category-wise will help us a lot in proper preservation as well as destruction. The Tribunal while passing decrees gives direction for amounts to be kept in FDs and Annuities for a longer period. That aspect also needs to be kept in view as regards duration of preservation/destruction of records. He further stated that a lot of personal data in the form of bank account details, PAN and Aadhar Card etc is maintained by RCT Benches. The implementing agency should confirm to us that these parameters have been taken care of under the new Rules/procedure. He further stated that every judicial record that is destroyed should be documented with proper affixing of signatures wherever required.

3. After Shri Mukesh Nigam, the other two Members of the Committee Mr. Justice Bachchoo Lal, Hon. M(J), RCT, Lucknow and Shri Deepak Nath Tiwari, Hon. M (J), RCT, Gorakhpur spoke in detail about the draft rules framed by the Committee. Shri Tiwari stated that we cannot prolong the limitation of three years. He expressed his reservation regarding the nomenclature of the Rules.
4. Hon'ble Chairman at this stage spoke about execution limit as provided under CPC of 12 years and also stated that there are 3 types of cases in RCT, one is already decided cases, another running cases and thirdly, the fresh cases being filed. Preservation is to be done in cases already filed since soon we are going to be paperless in Court proceedings. We are required to make a list of what is required to be kept or destroyed. In the cases wherein payment has been made and appeal not made, we should keep records in an electronic form of the relevant documents only and all other irrelevant papers can be destroyed. He impressed upon the need for

utilisation of the talent of eminent HC Judges in the present team of the Tribunal. Hon. Chairman stressed upon today's agenda in the meeting as regards what is required to be scanned and what is required to be destroyed. He stated that we can amend the necessary rules and get a new GSR issued by the Government. He further stated that Rule 43 and 49 of procedure rules can be made neutral as there is paucity of space in record rooms of the Benches as no one ever cared in all these years to weed out the irrelevant records.

5. All the attendees, which included Hon. Vice-Chairman of four zones and Hon. Members from the Benches of the Tribunal spread across the country, heartily expressed their sincere appreciation for the excellent and outstanding work done by the Committee in formulating Rules and procedure about digitization, preservation and retention of Court records in electronic form. That apart, the other valuable suggestions and concerns wherever expressed individually by the Hon. VCs and Hon. Members are detailed as under: -

6. **Justice Anant Kumar, Hon'ble Vice Chairman RCT, Secunderabad:-**  
He stated that the Committee has put in concerted efforts and immense hard work to draft the rules/procedure and the same deserves a heartfelt appreciation. He further stated that until final payment is made, the very purpose of keeping the records preserved is that we may not in future face any difficulty and the same could be sorted out. Anytime withdrawal of amount can be applied by the litigants. Once digitization is done, all the problems will be solved. As long as any appeal is pending, we need to keep the records so as to send it to the High Court. A notice in this respect shall be sent to the party concerned through the Registrar General of the High Court. At High Courts, since he has worked as Registrar General in the past, he stated that the workload is so huge and enormous that any Registrar General will hardly find time to reply to the notice. So,

we can send a notice to the applicant and the respondent stating therein that we are going to destroy the records and in case they have to make any submission in this regard, the same shall be made well in advance. So far as amendment of Rule 43 of Procedure Rules is concerned, it is a welcome step and we can amend it. As long as any execution or payment process is pending, we should preserve the records. The Hon'ble Chairman appreciated the suggestion and stated that we can send a notice to the claimant or the respondent. However, the judgement signed and the vakalatnama filed on record should always be preserved in digital form.

**7. Shri Sanjay Singh Gehlot, Hon'ble Vice-Chairman, RCT, Kolkata:-**

He focused mainly upon the training aspect to be kept in mind while implementing the rules and procedures regarding preservation of records in electronic form. He also impressed upon the need for suitable software support to ensure proper digitization.

**8. Justice Kishor K. Sonawane, Hon'ble Member Judicial, RCT, Mumbai:-**

He stated that the Court files in his Bench are not being maintained properly as there is no proper indexing and placement of order sheets at the proper place in the files. As per civil/criminal manual, we need to maintain a copy of the judgement, the plaint and the written statement for a considerable period of time since there is a possibility that anyone can seek a copy of the same from the Tribunal at a later stage. For this, he stated that we need to classify the categories of court files to A, B, C and D category. All important documents related to Court files should be maintained in A and B categories and their preservation/destruction managed accordingly. Preservation of Court records in digital form is good but we have to maintain the same in physical form as well. We cannot amend any rule as the Tribunal has no power to amend it, but we can pass an order with regard to proper implementation of the rules.

Direction be issued to all the Benches to classify the case files as per provisions of Law and preservation and destruction can be made accordingly. The Committee of RCT has recommended a period of three years which is a welcome step. He further stated that since the decretal amount in crores of rupees is lying with the suitor's money account being maintained by RCT Benches in a savings bank account and the same carries interest being accrued on it, proper guidelines need to be issued by the Principal Bench as to how to deal with the same.

**9. Shri Ved Prakash, Hon'ble Member Technical, RCT, Mumbai:-**

After passing of final orders, we are receiving applications for release of the amount of FD/annuity. Premature withdrawal is sometimes the requirement. After keeping the main judgement and the plaint, we should destroy other papers. Only necessary documents should be digitised because of acute space problems in RCT. If till three years, there is no issue, we should destroy the records. The records which are no more needed after the payment has been made to the party should be destroyed by formation of a constituted Committee.

**10. Shri H.D. Gujrati, Hon'ble Member Technical, RCT, Mumbai:-**

Durations are fixed in the implementation of the RCT orders. At Mumbai, we have been receiving Misc Applications from the year 2018 in decided cases for release of amounts. Three year period will be difficult to implement because the records will be weeded out. After finality of the order, we have been receiving miscellaneous applications in the cases, to which Hon'ble Chairman replied that once we are digitised, there is no use of keeping the papers for a long time. As regards evidence sheets and DRM report etc, we need to make a consensus as to which documents are to be kept in electronic form. After e-Court becomes operational, everything will be kept in digital form. Shri Gujrati impressed upon the need to classify the Court files to categories

namely A, B and C for the purpose of digitisation, as initially proposed by Mr Justice Anant Kumar, to which Hon'ble Chairman replied that due to paucity of staff, it is not possible to do it at present.

**11. Shri Alok Upasani, Hon'ble Member Judicial, RCT, Mumbai:-**

A proper notice needs to be sent to the party concerned before weeding out the record, this factum needs to be incorporated in the draft rules to which Hon'ble Chairman clarified that even if we give notice to the Registrar General of a High Court, due to paucity of time they may not reply to the same. Even in such cases if appeal arises and record is not made available to the High Court, our Registrar is likely to face contempt.

**12. Shri Vijay Kumar, Hon'ble Member Technical, RCT, Delhi:-**

In cases which are pending for payment release, we are not aware the amount pertains to which case. We must note in suitors' money account as to which cases payments are related to. The advices sent to banks regarding RTGS and FDs etc., will have to be preserved. This needs to be incorporated in the new rules.

**13. Shri Sunil Mathur, Hon'ble Member Technical, RCT, Delhi: -**

We need to amend Rule 43 suitably. What are necessary documents has been clarified by the Committee. As RG of a High Court will not be replying to our notice, similarly GM/CCO of a Zonal Railway will also not be able to reply due to paucity of time and enormous work burden, so we will have to ensure that notices have been received by the parties concerned. After giving 2 or 3 months time, we can go ahead with destruction of records.

**14. Smt. Kalpana Misra, Hon'ble Member Judicial, RCT, Delhi: -**

We need to see what documents are of permanent nature. Under the Civil Procedure Code, the documents specified as 'A' category should contain plaint, written statement and DRM Report etc. 'B' category files should

contain an evidence sheet and affidavits of deponents. The rest of all misc. documents should be preserved under C and D category files.

**15. Shri Alok Kumar Shukla, Hon'ble Member Technical, RCT, Bhopal:**

It is good to send notice to the party, as in Railways also, we send notice to all stakeholders before weeding out records. We should mark informatory copy to CCO also as he is directly liaisioning with the Tribunal from the Railway's side.

**16. Shri Raj Kumar Chauhan, Hon'ble Member Judicial, RCT, Bhopal:**

As per High Court Rules, files in entirety need to be weeded out, however, original documents can never be destroyed.

**17. Shri S.K. Sharma, Hon'ble Member Technical, RCT, Chandigarh: -**

Sometimes FDRs are made after a three year period. After another two years, applications come for release of money invested. In these cases, the weeding out process has to be managed accordingly. Judgement, original plaint, final payment portion need to be preserved and rest of the papers can be weeded out. Payment linkage needs to be ensured. Where payment linkage is done, documents can be considered for destruction. Every month, we need to regularly analyse and take notice of the files to be weeded out.

**18. Shri Labh Singh, Hon'ble Member Judicial, RCT, Chandigarh:-**

As suggested by Hon. VC/Secunderabad Bench, in appeal matters, notice should be sent to the parties before destruction of their original records so that they timely obtain the same.

**19. Shri R.K. Manocha, Hon'ble Member Technical, RCT, Ahmedabad:**

If written arguments filed by the parties are also considered for digital preservation, it will be better.

**20. Shri Vijayant Singh, Hon'ble Member Judicial, RCT, Ahmedabad: -**

The second folder of a DB Court can be destroyed fully. This alone will



result in saving a lot of time, energy and space. Till annuity or FD is matured, we should preserve the court records.

**21. Smt. Jhanja Tripathi, Hon'ble Member Technical, RCT, Jaipur:-**

We had a drive of weeding out at RCT, Jaipur in 2010 which was completed in 2011. The records up to 2010-2011 have been destroyed. The copy of application, order of the payment and advice to the Bank all this can be included in the draft rules.

**22. Smt. Leena Sarma, Hon'ble Member Technical, RCT, Guwahati :-**

There is no time limit for review in RCT Rules. It should be reduced to three years and passing of specific orders to this effect will be better. Hon'ble Chairman clarified that there is a well defined limitation period of filing of review petition.

**23. Shri Mahtab Ahmad, Hon'ble Member Judicial, RCT, Guwahati :-**

All necessary documents should be kept under 'A' list and other documents in 'B' list and destruction done accordingly. Claim application, written statement, DRM report and copy of other proofs can be retained only for three years and not beyond that. If an appeal is made in any case, the draft rules should be followed accordingly. He also impressed upon the need for proper indexing of court files. For execution matters, judgement and claim application are sufficient to be preserved. For repayment, photographs of the beneficiary should be taken and preserved with ID proof.

**24. Shri Ajoy Kumar Behera, Hon'ble Member Technical, RCT, Bhubaneswar :-**

He mentioned that he was part of the RCT Team that visited Odisha High Court and saw the entire process of digitization and scrapping of documents. Scanning of documents there was being done through a very small device, that too very fastly 100% digitisation for 'A' category files with backup on the server. Wherever 100% preservation is necessary, it should be done otherwise, a document can be scrapped.

**25. Shri Virendra Kumar Goyal, Hon'ble Member Judicial, RCT, Bhubaneswar :-**

Unclaimed money is lying in the suitor's money account. The related files should be preserved with a prior notice to the parties concerned.

**26. Shri Madhusudan Rao, Hon'ble Member Technical, RCT, Secunderabad :-**

We need to ensure that proper indexing of papers is done so that access is very easy in digital format. If we scan everything and then start making a search, it will be problematic.

**27. Smt. Ivy Charles D'Curz, Hon'ble Member Judicial, RCT, Bangalore :-**

Hon'ble Member gave suggestion that in cases where notices shall be issued, signatures of applicants towards acknowledgement be obtained so that they may not claim tomorrow that they have not received the notice.

**28. Shri Ravi Nandkeolyar, Hon'ble Member Technical, RCT, Bangalore**

While framing rules, double filing of cases should be kept in mind at the time of destruction of records and there should be a time limit for preservation of records because of the space problem even for digital records.

**29. Ms. R. Sathyabama, Hon'ble Member Judicial, RCT, Nagpur:-**

Under Item 10 of draft rules, in column *miscellaneous cases* as regards addition or deletion of the name of the party in the case of death of the party in the middle of the proceedings, necessary provision needs to be incorporated. As far as destruction of the register under Rule 8 is concerned, the same shall also need to be preserved in digital form. We have to send notice with acknowledgement due and we must also satisfy the time limit for preservation of records.

**30. Shri Syed Nishat Ali, Hon'ble Member Technical, RCT, Nagpur:-**

We are having part 'A' and part 'B' files and are in the process of weeding out. The weeding out has been done till 2020. We are reviewing cases on a monthly basis. We need to have a software support system. We

are also sending notice to the parties through e-mails. We should also get email from parties to make the system faster. Notices to GM, Commercial Manager and CCO are being sent. If we address the notice to GM only and get an acknowledgement, that alone will be sufficient. Time period of three years is quite enough.

**31. Shri Dhruv Singh, Hon'ble Member Technical, RCT, Ranchi:-**

Commended the efforts of the Committee and formulation of draft rules regarding digitization, preservation of records in electronic form.

**32. Shri Prasanta Kumar Sahu, Hon'ble Member Technical, RCT, Chennai:-**

We should give notice to the General Manager only and no separate notice to the Commercial Manager or CCO. The Committee should circulate SOP for destruction or preservation as provided in Para 6 of the report. E-Court module should also be circulated to all the Benches so that the Registry prepares for the same in advance.

**33. Shri Rajiv Jain, Hon'ble Member Judicial, RCT, Kolkata:-**

We should give notice to the parties before weeding out records. At the time of disbursement of compensation amount, we can take consent of the parties regarding weeding out of records. In such cases, we have to reduce the time limit up to 3 years. In cases where parties have given consent for weeding out, the time limit should be reduced to one year only.

**34. Shri S.D. Sharma, Hon'ble Member Judicial, RCT, Ernakulam:-**

Hon'ble Member mentioned that he faced serious problems during his last tenure at Chandigarh. Appeals came for hearing after ten years neither Railways was issued any notice nor advocate accepting service on behalf of Railways. By that time, we had weeded out the records. Everytime Additional Registrar was going to the Hon'ble High Court to face the music. Notice should be given to the applicant and at the same time to the Deputy CCM and CCO who prepare WS and are also

conversant with the facts of the case. They must certify before weeding out that no appeal is pending in higher Courts.

**35. Shri Vinod Kumar Ojha, Hon'ble Member Judicial, RCT, Patna:-**

In decided cases, we should preserve the documents for three years. Judgement copy and Vakalatnama should be kept. In running cases, we need to preserve all documents and in fresh cases also.

**36. Shri Narendra Prasad Pandey, Hon'ble Member Technical, RCT, Varanasi:-**

Regarding information to parties for weeding out by sending respective notices, we can also consider uploading the notice on the web portal of RCT stating therein about weeding out of records.

**37. Shri Gyan Prakash Tewari, Hon'ble Member Judicial, RCT, Amravati:-**

All the files should be categorised properly as to whether these are fresh or running cases and preservation/destruction done accordingly.

**38. Shri G. John Prasad, Hon'ble Member Technical, RCT, Amravati:-**

A strong mechanism needs to be put in place. We can straight away destroy all those files which have attained finality under 'B' category files etc. Certified copies and marked copies etc. need to be weeded out. We can start with digitisation of those cases which are pending before Hon'ble High Courts.

**39. Concluding address by the Hon'ble Chairman:-**

I would suggest the Convener of the Committee to associate Mr. Justice Anant Kumar, Vice Chairman, RCT as a Guest Member and Smt. Aashima Mehrotra, Registrar, RCT as Member-Secretary of the Committee to formulate fresh exhaustive draft rules making a platform for issuance of a GSR Notification to be issued by the Government of India recommending omission of Rule 43 and 49 of the Procedure Rules and also incorporating the valuable suggestions given by the Full Tribunal through this virtual meet.

The meeting ended with a Vote of Thanks to the Chair.

Sd/-

(Aashima Mehrotra)

Registrar

Dated: 12.09.2023

Copy for information & necessary action to: -

1. Addl. Registrars, RCT, All Benches
2. Web Portal, RCT