

No P5.8582/79

Office of the Chief Engineer,
General, P.W.D. Trivandrum,
Dated, 11-3-1983.

CIRCULAR

Sub:- Cement and M.S.roads –loss in transit- preferring of claim with the
Railways instructions issued.
Ref:- Nil.

Section 78b of the Indian Railways Act lays down that any claim for compensation for loss, damage, destruction etc., of animals or goods delivered to railways for carriage or for refund of an over charge in respect of animals or goods carried by railway must be made within 6 months from the Gate of booking. Cases have come to the notice of the Chief Engineer in which certain officers have preferred claim after the expiry of the period of six months from the date of R.R. The reason they state for the belated preferment of claim is that the damage/shortage certificate for the particular consignment was received from the railway authorities only after the expiry of the period of six months from the date of R.R. They also state that the exact amount of compensation cannot be calculated and the claim sub-stantiated without the certificate of damage/shortage. The Chief Commercial Superintendent as time-barred under section 78B of the Indian Railways Act. We have no valid ground to go to litigation in such cases. So all the claims preferred late have resulted in loss to Government.

It is the duty of the consignee to get the certificate of damage/shortage from the concerned Railway authority as soon as the damage/shortage is noticed. Every effort must be made to get the certificate without delay and claim must be preferred with the concerned Railway authority in the prescribed form within the stipulated period of six months. If, however, inspite of our best effort to get the certificate in time, the Railway authority is delaying the issuance of the certificate, a preliminary claim for the total quantity of damage/shortage as assessed by the consignee at the time of inspection of the consignment should be preferred with the concerned Railway authority within the stipulated period of six months subject to revision on receipt of the certificate of damage/shortage from the concerned Railway authorities. The above procedure should be strictly followed by all officers concerned; failure to do so will result in loss to Government for which the officers themselves will be held personally responsible.

Sd/- FOR CHIEF ENGINEER
(GENERAL:PWD:TRIVANDRUM)

Copy to the Superintending Engineer, Irrigation Central Circle, Trichur.

Endt. on D9.812/83 dated 2.4.83

Copy forwarded to all Executive Engineers for information.

Copy to all sections in DB&H.D's and Stock file and to Personal Assistant's and Superintending Engineer's table and Financial Assistant.

For Superintending Engineer.