

Court No. - 8

Case :- FIRST APPEAL FROM ORDER No. - 247 of 2003

Appellant :- Union Of India Through G.M.Northern Railway
New Delhi

Respondent :- Smt.Mamta Devi And Others 2

Counsel for Appellant :- Anil Srivastava,Prashant Kumar
Srivastava

Hon'ble Ajay Bhanot,J.

This first appeal from order arises out of the judgment and award dated 31.01.2003 passed by the learned Railway Claims Tribunal, Lucknow in Claim Case No. 0000080 (Smt. Mamta Devi Vs. Union of India) enhancing the interest rate from 6% to 9% upon failing to pay the awarded amount within the stipulated period of time.

Though many grounds have been taken in this appeal, however, only one ground is urged by Shri Aatreya Tripathi, learned Central Government Counsel-appellant for determination, i.e. grant of interest of 9% was excessive.

Learned Tribunal while awarding interest on the decretal amount held as under:

"The respondent shall also pay interest on the said amount @ 6% per annum from the date of the filing of the application i.e. 28.04.2000 till realization. The respondent shall also pay to the applicant costs of the suit and bear its own. The respondent is allowed 60 days time to pay the decretal amount failing which the claimants shall be entitled to recover interest on the said amount of compensation at the enhanced rate of 9% per annum from the date of this order till realization."

From the perusal of the judgement of the learned tribunal shows that the award of interest of 6% was reasonable. Further, there is no infirmity in the order of the learned tribunal for enhancing the interest rate from 6% to 9% upon failing to pay the awarded amount within the stipulated period of 60 days.

Direction of enhancing interest rates upon failure to make a timely payment of the compensation amount serves the interest of justice. Litigants cannot be made to run from pillar to post for getting their hard won fruits of litigation. Particularly, when the claimants are dependants of the deceased. The State officials cannot defeat the lawful entitlements of the claimants by their apathy. Nor can State officials be permitted to exhaust the claimants (who are often financially destitute) by simply delaying the payments directed by courts of law.

In wake of the aforesaid, the first appeal from order is, accordingly, dismissed.

Order Date :- 11.8.2023
Dhananjai