

GAHC010148282023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MFA/83/2023

BHEDA BARO AND 2 ORS.
W/O LATE HARA BARO.
RESIDENT OF VILLAGE MOTONGAPARA, PO KUMARIKATA, PS
TAMULPUR, DIST BAKSA BTAD, ASSAM 781360

2: SHRI KANTESWAR BARO
S/O LATE HARA BARO.
RESIDENT OF VILLAGE MOTONGAPARA
PO KUMARIKATA
PS TAMULPUR
DIST BAKSA BTAD
ASSAM 781360

3: SHRI BWISAR BARO
S/O LATE HARA BARO.
RESIDENT OF VILLAGE MOTONGAPARA
PO KUMARIKATA
PS TAMULPUR
DIST BAKSA BTAD
ASSAM 78136

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER. NORTH CENTRAL
RAILWAYS, SUBEDARGANJ. ALLAHABAD, 211011

Advocate for the Petitioner : MR J MOLLAH

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 10.05.2024

Heard Mr. J. Mollah, learned counsel for the appellants and Ms. R. Devi, learned counsel for the respondent/ the Union of India.

This is an appeal under Section 23 of the Railway Claims Tribunal Act, 1987.

The appellants prays for modification of the order dated 07.04.2023, passed by the Railway Claims Tribunal, Guwahati in Original Claim Application No. O.A.II u-101/2022.

The Tribunal awarded a compensation of Rs. 8,00,000/- alongwith interest of @ 9% per annum to Smti Bheda Baro and her two sons, Sri Kanteswar Baro and Sri Bwisar Baro.

The Tribunal directed that out of the aforesaid amount of Rs. 8,00,000/-, Rs. 3,20,000/- to be given to Ms. Bheda Baro. Further, the Tribunal directed to pay Rs. 2,40,000/- each to her two sons out of the aforesaid amount of compensation Rs. 8,00,000/-. Thereafter, the Tribunal passed a direction that out of the aforesaid amount given to Smti Bheda Baro, she will be kept an amount of Rs. 80,000/- only and remaining amount should be deposited in the fixed deposit. Similarly, Rs. 20,000/- each was given to the two sons of Smti Bheda Baro and directed to keep the remaining amount to be deposited in fixed deposit for certain period of time.

Mr. Mollah submits that two sons of Smti Bheda Baro are aged about 20 / 24 years and they wanted to do something in their life. Mr. Mollah further submits that on receiving the said small amount, they could not do anything in

their life. Similarly, Mr. Mollah submits that by the said little amount, Smti Bheda Baro do nothing in her life and therefore prays for modification of the order.

I find that the Tribunal relied upon rule 5 of the Railways Accidents & Untoward Incident (Compensation) Rule, 1990 to arrive at the aforesaid findings.

I find that the aforesaid rules relates to illiterate and other disabled persons.

Today, this Court is of the opinion that the impugned directions amount to denial of compensation to the appellants. Therefore, the appeal is allowed. The impugned order stands modified.

Smti Dheda Baro shall be paid Rs. 3,20,000/- without any riders and her two sons Sri Kantesar Baro and Sri Bwisar Baro shall be paid Rs. 2,40,000/ each without any riders. The compensation amount shall be paid alongwith the stipulated interest.

The appeal stands disposed of.

JUDGE

Comparing Assistant