

GAHC010172582023



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

Case No. : MFA/64/2023

MEHRUN KHATUNI
W/O LATE HAFIJ UDDIN,
RESIDENT OF VILLAGE ABDULLAHPUR WARD NO. 11, PO SADAPUR, PS
BALIYA BELOWN BHAUNAGAR, 855113, DIST KATHIHAR, BIHAR,
PRESENTLY RESIDING AT NIZ KATHIATOLI, PS KAMPUR, DIST NAGAON,
ASSAM

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER, NF RAILWAY, MALIGAON,

Advocate for the Petitioner : MS J KALITA

Advocate for the Respondent : SC, NF RLY

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 10.05.2024

Heard Mr. J. Kalita, learned counsel for the appellant 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.

In original OAIU-61/2022, the Tribunal awarded a compensation of Rs. 8,00,000/- to

the present appellant alongwith interest of 9% per annum. Thereafter, the Tribunal directed that an amount of Rs. 7,00,000/- out of the aforesaid amount of Rs. 8,00,000/- shall be kept in fixed deposit and only Rs. 1,00,000/- was directed to be disbursed in favour of the appellant.

Today, after hearing the learned counsel for both the parties, this Court is of the opinion that the impugned order of the Tribunal amounts to denial of the payment of compensation.

On this ground only, the impugned order of the Tribunal is modified. The Tribunal is directed to pay the entire amount of Rs. 8,00,000/- alongwith 9% interest without any riders to the appellant.

With the aforesaid direction, the appeal stands disposed of.

JUDGE

Comparing Assistant