

**Court No. - 9**

**Case :-** WRIT - C No. - 43347 of 2024

**Petitioner :-** Radha Devi And 2 Others

**Respondent :-** Union of India

**Counsel for Petitioner :-** Shiv Babu Dubey,Vineeta Devi

**Counsel for Respondent :-** A.S.G.I.,Sabhajeet Singh

**Hon'ble Rohit Ranjan Agarwal,J.**

1. Pursuant to order dated 17.02.2025, instructions have come from respondents, which are taken on record.
2. Heard learned counsel for petitioners and Sri Piyush Tripathi, Advocate holding brief of Sri Sabhajeet Singh, learned counsel appearing for Railways.
3. This writ petition has been filed seeking a direction upon Railways Claims Tribunal, Allahabad to release the awarded amount pursuant to judgment dated 06.12.2022 passed by Railway Claims Tribunal, Allahabad.
4. Facts leading to filing of the present writ petition are that the dead body of husband of petitioner no. 1, Uttam Chandra was found on 29.05.2013 lying between Budpura and Basai Railway Sections at Kilometer No. 1091/17-15 on the up line. It was reported by the driver of the Pushpak Express (Train No. 12533). Consequent to the receipt of the information, police reached the place of incident.
5. A claim petition was filed under Section 16 of Railway Claims Tribunal Act, 1987 read with Section 124/124-A of the Indian Railways Act, 1989. The compensation sought was Rs.12 lacs along with interest and cost. The Railway Claims Tribunal,

Allahabad Bench decided the claim petition by order dated 06.12.2022 and awarded an amount of Rs.8 lacs to the wife and sons of the deceased, Uttam Chandra. The petitioner no. 1, Radha Devi, wife of Late Uttam Chandra was awarded an amount of Rs.6 lacs and she was permitted to withdraw Rs.90,000/- from her respective share of compensation and balance amount was to be invested in a fixed deposit for a period of three years in a nationalised bank. The amount of Rs.90,000/- was to be sent to the account of Radha Devi directly. Two sons, petitioner nos. 2 and 3 were awarded Rs. 1 lac each. They were permitted to withdraw 15% of the amount of their respective share and balance 85% of the amount was to be invested in the highest interest bearing FDR for a period of three years.

**6.** The present writ petition has been filed by widow and two sons of Late Uttam Chandra on the ground that incident took place in the year 2013 and more than 12 years have elapsed and petitioners are in dire need of the money. Further, both sons are unemployed and if the money is released, it will be great help to the entire family in subsistence of their lives.

**7.** Counsel appearing for Railways has relied upon the Gazette Notification dated 03.06.2020 wherein the amendment to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 has been placed. Rule 5.4.3 of aforesaid notification provides for protection of the award amount. According to learned counsel, Railway Claims Tribunal depending upon the financial status and financial need of the claimants shall release such amount as may be considered necessary and direct the remaining amount to be kept in annuity or fixed deposit. According to him, out of the awarded amount of Rs.8 lacs, Rs.90,000/- was immediately released in favour of petitioner no. 1 and an amount of Rs.15,000/-

each was released in favour of petitioner nos. 2 and 3.

**8.** He has further relied upon a decision of Delhi High Court rendered in case of **Geeta Devi vs. Union of India, FAO 22/2015 & CM Application No. 4501 of 2015**, decided on 24.05.2019 wherein the rules have been upheld and the Court had found that the legislative amendments to the Central enactment shall be prerogative of the Parliament and hence the suggestions contained in this order shall be viewed as such and the respondent shall endeavour to initiate the process in an appropriate way for bringing to fruition the changes. According to him, the amount has been disbursed as per the rules.

**9.** I have heard respective counsel for the parties and perused the material on record.

**10.** It is a case where the dead body of Uttam Chandra was found lying between Budpura and Basai Railway Sections in the intervening night of 28/29.05.2013. The petitioners before this Court had filed their claim on 30.12.2013 before the Railway Claims Tribunal, Allahabad Bench. The claim petition was decided after almost 9 years on 06.12.2022. By the time the claim petition was decided by Tribunal, both petitioner nos. 2 and 3 who were minor sons of Late Uttam Chandra had become major. The widow of Uttam Chandra had been litigating for almost 9 years for the claim.

**11.** I find that there is no justification in withholding the amount by Railway authorities and keeping the money in a fixed deposit and releasing only a part of the amount. The perusal of the notification dated 03.06.2020, Para 5.4.3 clearly reveals that Railway Claims Tribunal shall depending upon the financial status and financial need of the claimants release such amount as may be considered

necessary and direct the remaining amount to be kept in annuity or fixed deposit.

**12.** In the instant case, petitioner no. 1 who is the widow of Late Uttam Chandra has come up with a case that at the time of the accident in the year 2013, her son were minor and she is in dire need of the money for settling her both sons who have become major.

**13.** I find that petitioner nos. 2 and 3 who were minor at the time of death of their father have become major and want to be settled in their lives and need money for the same. Reliance placed upon Rule 5 quoted in the judgment of **Geeta Devi (supra)** clearly reveals that Tribunal "may", in order to protect the sum awarded to the claimant, having due regard to the illiteracy or other disabling factors impairing the judicious use of such sum, issue directions for disbursing the award in terms of annuities, fixed deposits or other suitable mode as shall subserve justice. Sub-Rule (2) of Rule 5 further provides that if any of the claimants is a minor or person of unsound mind, the Tribunal may give liberty to the guardian *ad litem* to use the interest accruals on the deposit that shall be made during the minority for maintenance.

**14.** This Court finds that as far as sub-Rule (2) of Rule 5 is concerned which justifies that in case of a minor or a person of unsound mind, the Tribunal may keep the amount in fixed deposit but there is no justification for keeping the amount in fixed deposit for those claimants who are major.

**15.** As in the instant case, both petitioner no. 2 and 3 at the time of incident were minor and have now become major when the claim petition was decided in the year 2022, looking to the age factor and also the judgment of Railway Claims Tribunal, I find that there is

no reasoning given by Tribunal for withholding the amount to be paid to petitioners and by an executive fiat, the awarded amount has been kept in an interest bearing account in a nationalised bank.

**16.** Further, the judgment rendered by Delhi High Court in case of **Geeta Devi (supra)** also does not direct that money should be kept in fixed deposit and should not be released in favour of any person who has become major. In the said judgment, only the Railway Act, 1989 and the rules made thereafter and also the amendments have been considered.

**17.** I find that no such embargo can be there for the amount awarded by any Railway Claims Tribunal for keeping the same in a nationalised bank for any of the claimant who has become major and there is no finding on the part of the Railway Claims Tribunal justifying the amount to be kept in a nationalised bank.

**18.** In matter relating to motor accident claims, the co-ordinate Bench of this Court in case of **Smt. Runna Vs. Vth Additional District Judge/ Motor Accident Claims Tribunal, Gorakhpur 1996 (3) AWC 1695** had held that the Tribunal cannot pass any order for withholding the release of the awarded amount of compensation if the claimants are major. The same analogy applies here though the rules restrict to certain extent for the release of the awarded amount. The rules are silent as to why the awarded amount by a Railway Claims Tribunal has to be kept in a fixed deposit or interest bearing account unless and until there is any cogent reason for not releasing the awarded amount. In the instant case, there is no finding recorded by Railway Claims Tribunal for withholding the amount and keeping it in an interest bearing account.

**19.** Considering the fact and circumstances of the case, I find that

the judgment and order dated 06.12.2022 passed by Railway Claims Tribunal, Allahabad Bench does not indicate any reason or justification for keeping the amount in an interest bearing account in a nationalised bank. Once the petitioner nos. 2 and 3 have become major and they are in dire need of money along with their mother, there is no purpose for keeping the the amount in fixed deposit.

**20.** In view of said fact, the judgment dated 06.12.2022 passed by Railway Claims Tribunal, Allahabad Bench is modified to the extent that the amount kept in a fixed deposit in a nationalised bank in the the name of petitioner nos. 1, 2 and 3 shall immediately be released.

**21.** Writ petition stands partly allowed.

**Order Date :- 4.3.2025**

V.S.Singh