

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.489 of 2013

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1. Ritesh Kumar
 2. Rakesh Kumar, both are sons of late Parmanand Thakur
 3. Rajni Kumari, D/O late Parmanand Thakur
 4. Shobha Devi, wife of late Parmanand Thakur, all are resident of Village Manyarpur, PO Bidupur, PS Bidupur, District Vaishali (Bihar)

.... Appellant/s

Versus

The Union of India Through The General Manager, Railway, 3koelaghat
Stree, Kolkata

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna M. Murari, Advocate.

For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-09-2015

Heard the parties.

In the present appeal the appellants are challenging the order dated 18.4.2013 passed in M.A./Rev/PNBE/2011/0001, arising out of OA 00085 of 2001 by the Railway Claims Tribunal, Patna by which the Tribunal has refused to review its earlier order holding that compensation was granted to a particular person for a specific purpose, on his death the money which was granted to him cannot be allowed to be distributed to rest of the dependents who are heir and successor of dead person.

The victim Parmanand Thakur died on account of train accident. The Tribunal in OA No. 00085 of 2001 vide its order dated 6.9.2010 has found that the victim was a bonafide



passenger met with an untoward incident, allowed award to Rs.4,00,000 in favour of the dependents of Parmanand Thakur. One of the dependent his father, namely, Ram Deo Thakur was also the claimant, the Tribunal allowed compensation amount of Rs.60,000/- but he died on 26.10.2010 before the disbursement of the amount of compensation which led to filing of the review application. There a prayer has been made the Tribunal has granted the compensation amount of Rs.60,000/- in the name of Ram Deo Thakur, he died after the award but before disbursement so the amount of Rs.60,000/- should be distributed amongst rest dependents who are beneficiaries to the compensation amount but the Tribunal did not oblige to pass or order in favour of the claimants which is under challenge before this Court.

Learned counsel for the appellants submits that the claim application was filed by dependents of the victim which was allowed, on the death of one of beneficiary money will be distributed to the rest of the alive claimants. It does not mean the said money will be forfeited by the Railway Administration rather said amount will go to rest of the dependents.

Learned counsel for the Railway has submitted that it can be done in a proper proceeding, one desirous of said money will

have to obtain succession certificate.

Be that as it may, it is a fact that Ram Deo Thakur was father of the victim and one of the claimants of the compensation amount. No one has come forward challenging the distribution of said amount to rest claimants/dependents.

In such view of the matter, the Tribunal is under wrong notion, the compensation was granted for specific purpose and on death of claimant or claimants, the said money will be forfeited. When an amount has been awarded in favour of Ram Deo Thakur in case of death the money will go in favour of rest of the dependents. In such view of the matter, the Railway is directed to pay Rs.60,000/- in equal share to rest of the claimants/dependents who are alive.

Accordingly order dated 18.4.2013 passed by the Railway Claims Tribunal, Patna in M.A./Rev/PNBE/2011/0001 is set aside and this appeal is allowed.

(Shivaji Pandey, J)

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