

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1)

FAO No. 176 of 2002.

Decided on: 8.4.2015.

Sanjay Anantrai Soni and others

... Appellants

Versus

Union of India and another

... Respondents

(2)

FAO No. 177 of 2002

Sanjay Anantrai Soni and others

... Appellants

Versus

Union of India and another

... Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Subhash Ahuja, Advocate,
for the appellants.

Mr. Banni Thomas, Advocate,
for the respondents.

K.C.PURI.J.

Vide this judgment aforesaid two FAOs No.176 and 177 of 2002 are being disposed of as both these appeals have arisen out of the same accident.

On 26.11.1998, Anantrai Hari Lal Soni (husband) and Jyotsna Anantrai Soni (wife) were traveling in second class sleeper from Bombay Central to Jalandhar. An accident took place between Golden Temple and Sealdah Express trains near District Khanna. The couple died in the accident.

One son and two daughters of the deceased filed two

separate claim applications before the The Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short “the Tribunal”). It was pleaded that the age of father of the claimants was 57 years and that of mother was 51 years.

The Tribunal accepted the petitions partly and allowed a compensation of Rs.1,20,000/- in respect of death of mother and a sum of Rs.96,000/- was allowed in respect of death of father of the claimants vide common Award dated 15.3.2001 passed by the Tribunal.

The only point urged, during the course of argument, is that structured formula applied by the Tribunal cannot be made applicable as the compensation has been claimed under (The) Railway Act, 1989 (hereinafter mentioned as “the Act”) and as per Section 124 of the said Act, the amount of compensation has been detailed in rule 4 of The Railway Accidents and Untoward Incidents (Compensation) Rule, 1990 (hereinafter mentioned as “the Rules”). It is submitted that under the said rules, the amount of compensation is Rs.4 lacs in respect of death and to support this point, learned counsel for the appellants has relied upon authorities **(i) Jitender vs. Union of India 2012ACJ 2522; (ii) N. Parameswaran Pillai vs. Union of India and another AIR 2002 SC 1834; (iii) Rathi Manon vs. Union of India AIR 2001 SC 1333; (iv) Chandrasekharan vs. Union of India 2013 ACJ 2079.**

The ratio of these authorities rendered by this Court, Hon'ble Apex Court and Division Bench of Kerala High is that the amount of compensation should be awarded in accordance with the rules mentioned above. It is not disputed during the course of arguments that under the said rules, the amount of compensation in respect of death of a person is Rs.4 lacs.

Learned counsel for the respondents could not produce any contrary authority nor any provision from which it can be concluded that less amount than prescribed under the Rules could be awarded.

In view of above discussion, both the appeals are partly accepted and the claimants of each case are held entitled to claim Rs.4 lacs in respect of death of their father and another sum of Rs.4 lacs in respect of death of their mother along with interest @ 7.5% per annum from the date of filing applications before the Tribunal till payment. The amount already paid shall be adjusted.

Both the appeals stand disposed of accordingly.

8.4.2015.
SN

(K.C.PURI)
JUDGE