

.HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.202 of 2008

Dated 21-3-2016

Between:

P.V.Chandramouleswara Rao and another.

..Appellants.

And:

Union of India represented by General Manager,
South Central Railway, Secunderabad.

..Respondent.

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JUDGMENT:

This appeal is preferred questioning the order of Railway Claims Tribunal dated 2-5-2006 in O.A.A. No.250 of 2000.

Appellant herein submitted application to Railway Claims Tribunal invoking its jurisdiction under Section 16 of Railway Claims Tribunal Act read with Section 124-A and 125 of Railways Act claiming a sum of Rs.4,00,000/- as compensation for the death of their son P.V.Rama Pratap who died in an untoward incident that took place on 15-11-2000. Railway Claims Tribunal allowed the claim and granted compensation as prayed for but granted interest only in case Railways fail to deposit the awarded amount within two months. Aggrieved by the order of Railway Claims Tribunal in not granting any interest on the claim amount, present appeal is preferred.

Heard both sides.

Advocate for appellants submitted that railway claims tribunal ought to have granted interest at the rate of 6% p.a., from the date of application till the date

of award and thereafter at 9% p.a., till the date of realization but the Tribunal committed error in not granting any interest and interest is granted only on the condition that if the awarded amount is not deposited within 3 months and only granted at 6% from the date of order till the date of realization, therefore, that order has to be modified.

Sri T.S.Venkata Ramana, learned counsel representing learned Standing Counsel appearing for Railways represented that as per decision of supreme court in *THAZHATHE PURAYIL SARABI AND OTHERS v. UNION OF INDIA AND ANOTHER* (^[1]) claimants are entitled for interest at 6% p.a, from the date of application till the date of award and thereafter at 9% p.a., from the date of award till realization.

I have perused material papers including impugned order dated 2nd May, 2006.

As already pointed out, no interest is granted on the compensation amount though the claim was made in the year 2000 and the order is passed in the year 2006.

Considering submissions of both sides and relying on the decision of Honourable Supreme Court in *THAZHATHE PURAYIL SARABI AND OTHERS v. UNION OF INDIA AND ANOTHER*, (cited above), I am of the view that order of Tribunal has to be modified directing payment of interest at 6% p.a., from the date of application till the date of order and thereafter, at 9% p.a., till realization on the compensation amount.

Therefore, appeal is partly allowed granting interest as indicated above. No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

Dated 21-3-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs

[\[1\]](#) (2009) 7 SCC 372