

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A.No.208 of 2010

JUDGMENT:

This appeal is preferred questioning order dated 18.06.2008 passed in O.A.A.No.401 of 2003 on the file of the Railway Claims Tribunal, Secunderabad Bench.

2. Appellant herein submitted an application under Section 16 of the Railway Claims Tribunal Act, 1987, read with Section 124 and 124A of the Railways Act, 1989, claiming compensation of Rs.4,00,000/- for the death of G.Narayana Rao in an untoward incident that happened on 06.08.2003 at Tuni Railway Station.

3. Railway Claims Tribunal, on a consideration of material on record, recorded a finding that the deceased was a *bona fide* passenger of Godavari Express from Anakapalle to Rajahmundry and that he died in an untoward incident at Tuni Railway Station on 06.08.2003 and granted Rs.4,00,000/- as compensation. Tribunal directed Railways to deposit the amount with interest at the rate of 9% per annum from the date of receipt of copy of order till payment and aggrieved by this direction, claimant preferred the present appeal.

4. Heard both sides.

5. Advocate for appellant submitted that as per settled law, Railways are liable to pay interest at the rate of 6% per annum from the date of application till the date of award and thereafter, at the rate of 9% per annum from the date of award till realization and that Tribunal erred in granting interest only from the date of receipt of copy of order till the date of payment, therefore, same is not legal. Appellant's advocate relied on decision of Supreme Court in ***Thazhathe Purayil***

Sarabi and others Vs. Union of India and another^[1].

6. Advocate for Railways has not disputed the principle laid down in the above referred judgment of Supreme Court in granting interest.

7. Considering the submissions of both advocates and also decision of the Supreme Court referred *supra*, appellant is entitled for interest at the rate of 6% per annum from the date of application till the date of award and thereafter, at the rate of 9% per annum from the date of award till realization.

8. The appeal is, accordingly, allowed in part modifying the award of Railway Claims Tribunal to the extent indicated above. No costs. Miscellaneous petitions, if any, pending in this appeal, shall stand dismissed.

S. RAVI KUMAR, J

22nd August, 2016.
Bvv

[\[1\]](#) 2009 ACJ 2444