

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

CR No. 6223 of 2014 (O&M)

Date of decision: 03.03.2016

Ram Lalli and another ... Petitioners

versus

Union of India and another Respondents

2. FAO No. 6168 of 2013

Union of India ... Appellant

versus

Ram Lalli and another Respondents

3.. FAO No. 4031 of 2013

Ram Lalli and another ... Appellants

versus

Union of India Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parminder Singh, Advocate, for the petitioners.

 Mr. Rohit Suri, Advocate for respondent No.1.

 Mr. Banni Thomas, Advocate for respondent No.2.

K.Kannan, J. (ORAL)

The civil revision No. 1622 of 2014 has become infructuous and disposed of as such in view of the fact that appeals filed by the Railways and claimants respectively in FAO Nos. 6168 and 4031 of 2013 are themselves being taken up for disposal on merits.

It is a case of death of a person found to be dead on being

run over by a train. At the inquest, the cell phone in a broken condition and his personal effects were picked up from the spot and the death was taken to be resultant to the train running over the deceased. A report had been prepared by the RPF stating that he should have been an unauthorized trespasser in the railway premises.

The claimant gave evidence through an employer of the deceased who stated that he purchased ticket for Rs. 86/- and gave him Rs. 5,000/- to go to his native Village as he was working as a labourer under him at Ludhiana. He stated that he had himself seen him getting into the train in general compartment. The Tribunal reasoned, in the case of conflicting versions, that the RPF Inspector who had prepared DRM inquiry had been served through post for hearing but he did not come before the Tribunal to vouch for the correctness of the report. The Tribunal gave credence to the version of the employer and found that the accident had taken place only in the capacity of the deceased as a passenger and hence the representatives of the deceased were entitled to the statutory amount as death occurring due to untoward incident.

I confirm the findings and dismiss the appeal filed in FAO No. 6138 of 2013 by the Union of India.

FAO No. 4031 of 2013 is on issue on interest by the claimants who are aggrieved against the interest granted @ 6% as inadequate. The counsel refers me to the decisions of the Supreme Court in Mohamadi and others Vs. Union of India 2011 ACJ 2356 , that considered only the issue of interest and the time from when the

interest will be calculated. The Court was holding that the claimants would be entitled to interest @ 9% and that it will operate from the date of the application itself. I allow the appeal providing for an enhancement of interest from 6% to 9% that will take effect from the date of filing of the petition itself till the date of payment. The appeal filed by the claimant is allowed on the above terms.

(K.KANNAN)
JUDGE

03.03.2016

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