

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1028 of 1998 (O&M)

Date of Decision: 23.9.2016

A.K. Das

.... Appellant

vs.

Union of India

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Paul S. Saini, Advocate
for the appellant.
Mr. Jagdish Marwaha, Advocate
for the respondent
Mr. Sandeep Vermani, Advocate for
Mr. N.S. Mann, Additional Registrar, Railway
Claims Tribunal

Kuldip Singh J.(Oral)

Reconstructed record of the Tribunal not received. Learned counsel for the appellant state that record of the Tribunal is not required as he is arguing purely the legal issue.

Brief facts of the case are that on the ill-fated day i.e. On 8.7.1997, appellant was travelling in train, bearing No.336 Dn Sri Ganganagar-Ambala Passenger train, from Bhatinda to Ambala Cantt on official duty. At about 2 P.M., a powerful bomb blast occurred in the said train As a result of which the appellant was injured. He suffered temporary disability in the hearing ducts to the extent of 40%. The Railway Claims Tribunal after considering that the applicant received an absolute deafness, granted the compensation of Rs. 40,000/- which was the maximum compensation as admissible under proviso to Rule 3 of the Railway Accidents and Untoward Incident (Compensation) Rules, 1990 (in short' the

Rules').

The short prayer of the appellant is that the said Rules were amended w.e.f. 1.11.1997 by way of notification and for Rs.40,000/-, Rs.80,000/- were substituted in the said proviso. The learned counsel for the appellant has also relied upon the authority of the Hon'ble Supreme Court in Rathi Menon vs. Union of India 2001 ACJ 721, wherein the Supreme Court has taken the view that in case of grant of compensation in untoward incident in the Railway, the time of determination of compensation is relevant to decide as to what compensation is payable. As the claim petition was filed on 10.11.1997 and decided on 26.2.1998. Therefore, in view of the said amendment in the Rules, the appellant is entitled to compensation of Rs.80,000/-. The legal petition is not disputed by the respondents.

In view of the matter, the appeal is allowed. The respondents are directed to pay the remaining sum of Rs.40,000/- to the appellant alongwith the interest @ 9% per annum from the date of filing of the claim petition till payment.

23.09.2016
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned
Whether reportable

Yes
Yes