

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.196 of 2014

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Aanandi Paswan S/o Late Sukhdeo Paswan Resident of Village - Gambhirpur, P.O.
& P.S. - Warsaliganj, District - Nawada (Bihar).

.... Appellant/s

Versus

The Union of India through the General Manager, East Central Railway Hazipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari

For the Respondent/s : Mr. Anil Kumar Sinha

Mr. Abhimanyu Deo

Mr. Akash Keshav

Mr. Ashish Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date: 03-11-2017

Heard learned counsel for the appellant and learned counsel for the respondent on this miscellaneous appeal and perused the record.

2. This Misc. Appeal has been filed against the Order dated 16.12.2013 passed by Member (Technical) RCT/Patna in Claim Case no. MA 0A 00085 of 2002 whereby the learned Tribunal allowing the claim application of the appellant directed the respondent to pay compensation to the tune of Rs. 4 lacs along with simple interest @6% per annum from the date of admission of the case on 3.10.2012 till the date of order.

3. Factual matrix of the case is that the claimant Anandi



Paswan filed Claim Case no. MA 0A 00085 of 2002 against Union of India, through the General Manager East Central Railway, Hajipur under Section 125 of Railways Act for awarding compensation to the tune of Rs. 4 lacs with the case in succinct that on 06.05.2001, he was travelling with valid IInd class journey ticket bearing no. 10001 by DMU train from Dergaon halt to Warsaliganj. During the journey, he fell down from the aforesaid train and was injured near Sonbarsa village due to jostling of the commuters and jerk in the train. He was rushed to the Warsaliganj hospital, from there he was referred to Sub Divisional Hospital, Nawada.

4. The respondent put its appearance in the case and filed the written statement. Claimant adduced ocular as well as documentary evidence in buttress of his case.

5. After hearing the parties and perusing the record, learned Tribunal passed the impugned order as detailed in earlier paragraph.

6. Being aggrieved and dissatisfied with the aforesaid Order, the claimant has preferred the present miscellaneous appeal.

7. It is submitted by the learned counsel for the appellant that he had filed the case on 28.04.2003, but the same was admitted after long span of 9 years due to laches and fault of the Tribunal for which he should not suffer, but learned Tribunal has



awarded simple interest @6% per annum from the date of admission of the case on 3.10.2012 and not from the date of filing the case which is wrong and illegal and is liable to be set aside. He has placed reliance on the verdict of Hon'ble Apex Court given in ***Mohamadi and Others Vs. Union of India reported in 2011 ACJ 2356*** in buttress of its argument.

8. On the other hand, it is submitted by the learned counsel for the respondent that there is discretionary power of the Tribunal regarding the rate of interest and period from which it is to be allowed and the learned Tribunal considering the facts and circumstances of the case and applying its judicial mind, has rightly allowed the aforesaid interest from the date of admission of the case. Hence, the impugned order passed by the learned Tribunal is liable to be upheld and this appeal has no substance in it and is liable to be dismissed.

9. From perusal of record, it appears that the appellant had filed the aforesaid claim case on 28.04.2003 and the same was received in the office of the respondent on the said date, but it was kept in cold storage and was admitted by the Tribunal after long span of time of around 9 years 5 months on 03.10.2012. There appears no laches on the part of the appellant in admission of the case after such a long span of time rather laches is on the part of the



Tribunal. The Tribunal has awarded simple interest @6% per annum not from the date of filing of the claim case rather from the date of admission of the same on 3.10.2012 to save its skin from the said latches. Had the Tribunal not delayed the admission of the case for so long, the appellant would have been entitled to the beneficial interest of the amount awarded from a much earlier date and I see no reason why he should be deprived of such benefit. Payment of interest is basically compensation for being denied the use of the money during the period which the same could have been made available to the claimant. Hence, in my considered opinion, the interest on the awarded amount should have been allowed from the date of filing application till the date of recovery since the appellant cannot be blamed for delay of long span of time of around 9 years 5 months in admission of the case by the Tribunal. The Hon'ble Apex Court in *Tahazhathe Purayil Sarabi and Others Vs. Union of India and another reported in 2009 ACJ 2444* has been pleased to hold that the payment of interest is basically compensation for being denied the use of money and awarded the interest @6 per cent per annum from the date of application till date of award. Hon'ble Apex Court in *Mohamadi and Others Vs. Union of India reported in 2011 ACJ 2356* has been pleased to hold that the claimant is entitled to get interest on the amount of compensation from the date of claim



application. The appellant has assailed the aforesaid order only regarding the period of awarding the interest and not the rate of interest as awarded by the Tribunal.

10. In the aforesaid facts and circumstances of the case, the respondent is directed to pay the aforesaid amount of compensation along with interest @6% per annum from the date of filing of the claim case till its realization. Accordingly, this appeal is allowed and the impugned order passed by the learned Tribunal is modified.

(Prakash Chandra Jaiswal, J)

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AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	08.11.2017
Transmission Date	N.A.

