

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

FAO No. 3328 of 2016 (O&M)

Date of Decision: 11.05.2017

RAJ KUMARI AND ANOTHER

... Appellants

VS.

**UNION OF INDIA THROUGH GENERAL MANAGER, NORTHERN
RAILWAY.**

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Somesh Gupta, Advocate,
 for the appellants.

 Mr. Karaminder Singh, Advocate,
 for the respondent.

KULDIP SINGH, J (ORAL)

Heard.

This is the first appeal filed against the judgment dated 06.05.2016 passed by the learned Railway Claims Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred as “the Tribunal”) vide which the claim application filed by the applicants-appellants was allowed and compensation to the tune of ₹ 4.00 Lakhs to the applicants-appellants alongwith interest @6% per annum w.e.f. 05.09.2014 i.e. date of filing of claim application before the Tribunal. However, following conditions were also imposed by the Tribunal in releasing of the aforesaid compensation:-

“Out of the compensation amount awarded in favour of the applicants, a sum of ₹15,000/- (Rupees Fifteen thousand only) shall be paid to each of them and rest of the entire amount shall be invested in the FDRs in their favour for a period of three years. However, the applicants are at liberty to approach Tribunal in person for release of the remaining amount if they desire so.”

In the aforesaid conditions only ₹15,000/- each were ordered to be released to the applicants-appellants No. 1 and 2 respectively whereas remaining amount was ordered to be kept in FDR for three years.

Learned counsel for the applicants-appellants has stated that imposing of such conditions is unjustified.

After hearing the learned counsel for both the parties, I am of the view that when the applicants-appellants claim that they need the money as they are to run their family, it is unjust to impose such condition. Hence, the above noted conditions are set aside and the amount of compensation alongwith interest as awarded by the Tribunal is ordered to be released in one go in respect of applicants-appellants No. 1 and 2 by depositing the same in their respective accounts furnished by them.

In view of the above, the present appeal is allowed.

May 11, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes / No</i>
<i>Whether Reportable</i>	:	<i>Yes / No</i>