

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

FAO No. 3331 of 2016 (O&M)

Date of Decision: 11.05.2017

SHANTI AND OTHERS

... 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. Neeraj Madan, Advocate,
 for the respondent.

KULDIP SINGH, J (ORAL)

Heard.

This is the first appeal filed against the judgment dated 16.05.2016 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. 19.08.2013 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 payable to the applicant No. 1, a sum of ₹15,000/- (Rupees Fifteen thousand only) shall be paid to her and rest of the entire amount shall be invested in the FDR in her favour for a period of three years. However, the applicant is at liberty to approach the Tribunal in person for release of the entire amount if she desire so.”

In the aforesaid conditions only ₹15,000/- was ordered to be released to the applicant-appellant No. 1 whereas remaining amount was ordered to be kept in FDR for three years.

Learned counsel for the applicant-appellant No. 1 has stated that imposing of such conditions is unjustified. He further stated that applicant-appellant No. 1 is major and she has minor children to look after. She needs money for upbringing and education of the children.

After hearing the learned counsel for both the parties, I am of the view that when the applicant-appellant claim that she need the money as she has to run her family, it is unjust to impose such condition. Hence, the above noted condition is 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 applicant-appellant No. 1 by depositing the same in her account furnished by her.

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

May 11, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	:	✓ Yes	/	No ✓
Whether Reportable	:	Yes	/	No