

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

FAO-2669-2017 (O&M)
Date of decision: 25.04.2017

Rajendra Singh**.....Appellant****versus****Union of India****.....Respondent****CORAM: Hon'ble Mr.Justice Kuldip Singh****Present:** Mr.Somesh Gupta, Advocate for the appellant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This is an appeal against the order dated 7.2.2017 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short, 'the Tribunal'), vide which, only 15% of awarded amount was ordered to be released and rest of the amount was ordered to be kept in FDR for a period of three years and amount was ordered to be released in certain installments.

Notice of motion.

On the asking of the Court, Mr.Karminder Singh, Standing counsel for Union of India accepts notice on behalf of the respondent.

Operative part of the order dated 7.2.2017 reads as under:-

“A report by Additional Registrar was sought and perused wherein it is mentioned that amount of Rs.2,96,012/- was received in the office of PO/RCT and the same was deposited in bank. He is accordingly directed to release the amount through RTGS on furnishing bank account details of the applicant nearest to his/ her house where he/ she lives permanently. Manger of the concerned bank is directed to release 15% of the total amount to the applicant immediately and rest of the amount together with the interest accrued thereon, shall be kept in fixed deposit in his/ her favour in the

same bank for a period of three years. However, after one year, 1/3 of the amount will be released to the applicant, another 1/3 after completion of two years and remaining amount will be released after completion of third year. This arrangement has been made to protect the interest of poor applicants who generally hail from the village background and this Tribunal has been receiving complaints that money awarded to the applicant is being misused. However, applicant is at liberty to approach this Tribunal if he/ she desires to get compensation amount released. If he/ she satisfies the Tribunal, entire money shall be released. It has been brought to the notice of the Tribunal that money deposited with the ADR/RCT/CDG is not being deposited with the bank in the shape of FD. ADR/RCT is directed to be careful in future. Copy of this order be sent to ADR/RCT/CDG.”

It comes out that when the compensation was granted vide judgment dated 3.12.2013, no such condition was imposed for deposit of the compensation amount in FDR. Judgment of the Tribunal dated 3.12.2013 was upheld by this Court vide order dated 23.4.2016 passed in FAO No.1636 of 2016 wherein also, no such condition was imposed.

Now at the time of release of compensation amount, such condition could not be imposed and patently illegal and beyond the scope of the award/ judgment.

As such, the above noted impugned portion is set aside and the Tribunal is directed to release the entire amount to the appellant/ injured who may use the same as per his sweet will.

Appeal is allowed.

25.04.2017

gk

Whether speaking/ reasoned:

Whether Reportable:

(Kuldip Singh)

Judge

Yes

No