

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

FAO No. 3794 of 2017 (O&M)
Date of Decision: 02.06.2017

SUSHMA RANI AND OTHERS

... Appellants

VS.

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

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Subhash Sachdeva, Advocate,
for Mr. Parminder Singh, Advocate,
for the appellants.

Mr. Vinod Kumar, Advocate,
for the respondent.

KULDIP SINGH, J (ORAL)

Heard.

This is the first appeal filed against the judgment dated 05.04.2017 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 ₹ 8.00 Lakhs to the applicants-appellants alongwith simple interest @ 9% per annum w.e.f. 26.09.2013 i.e. date of filing of claim application before the Tribunal till the date of order. However, following conditions were also imposed by the Tribunal in releasing of the aforesaid compensation:-

“However, out of compensation amount awarded in favour of the applicants, initially only 15% will be released to qua applicants No. 1 to 3, who are major, in cash, whereas share of the applicant No. 4, who is minor, shall be kept in fixed deposit till she attains majority or period of fix deposit is over, whichever is later and rest of the amount qua applicants No. 1 to 3 together with interest accrued thereon, shall be kept in fixed deposit in their favour in the same bank for a period of three years in case of a major. However, after one year, 1/3rd of the amount will be released to the applicants No. 1 to 3, and

another 1/3rd after completion of two years and remaining amount will be released after completion of third year to the applications No. 1 to 3. It is made clear that the share of the applicant No. 4, Megha, who is minor, will be released on attaining majority or the above fix deposit is over, which is later.”

Learned counsel for the applicants-appellants has stated that imposing of such conditions is unjustified. It is further stated applicant-appellant No. 4, Megha Sachdeva @ Mona, who was minor at the time of filing of the claim application before the Tribunal, has also become major now. He further stated that since, the applicants-appellants No. 1 to 4 are major, therefore, there is no justification in depositing the major portion of the compensation in the FDR.

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, it is unjust to impose such condition.

In view of the need pressed by the applicants-appellants and the objections of the respondent, the appeal is disposed of in a manner that the applicants-appellants shall open an account in the nationalized bank at the place they reside, if already not opened, and furnish the proof thereof to the Tribunal within 30 days from today and on furnishing of the said proof, the entire amount of compensation be credited to the accounts of appellants in lump-sum.

June 2, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

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