

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4841 of 2017

Date of decision:- SEPTEMBER 08, 2017

LEELA AND ANOTHER

....APPELLANTS..

VS.

UNION OF INDIA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Upender Prasher, Advocate,
for the appellants.

None for the respondents.

JASPAL SINGH, J.

Aggrieved against the award dated 21.12.2016 passed by Railway Claims Tribunal, Chandigarh (for short; "Tribunal"), the appellants have preferred the instant appeal for modification of issue No.4. The Tribunal while allowing the claim held as under:-

"The present claim application is allowed in full and an award of Rs.4,00,000/- (Rupees four lacs only) along with simple interest @ 9% per annum from the date of filing this claim application i.e. 18.08.2011 till the date of this order. The amount of compensation shall be apportioned in the manner that both the applicants shall received an amount of Rs.2,00,000/- (Rupees two lacs only) each along with interest.

Applications are directed to provide fresh bank account number of the bank situated nearest to the place of their residence, to the respondent railways

within 30 days from this order and respondent will make payment within 60 days from the date of receipt of bank account number. In case, respondent-railways fail to deposit the amount, the applicants shall be entitled to interest @ 12% from the date this order till realization of compensation.

However, out of compensation amount awarded in favour of applicants, initially only 10% will be released to them in cash and rest of the amount together with the interest accrued thereon, shall be kept in fixed deposit in their favour in the same bank for a period of three years. However, after one year, 1/3rd of the amount will be released to the applicants, another 1/3 after completion of two years and remaining amount will be released after completion of three years”.

2. Learned counsel for the appellants contends that the order of releasing the compensation amount awarded in favour of appellants by way of instalments, is wrong and against the interest of the appellants, who are concededly, major/adult. Therefore, the order of releasing the amount of compensation in installments and in fixed deposit is wrong, illegal and unjust. Appellants cannot make to suffer by restricting the payment of compensation in instalments. In **“H.S. Ahammed Hussain vs. Irfan Ahammed”** 2002(3) RCR(Civil) 563, Hon'ble Supreme Court held such an action to be wrong and illegal. To the similar effect are the observations made in case **“Asraf vs. Motor Accidents Claims Tribunal, Gurgaon and others”** Vol.CXLVII-(2007-3) PLR 692, **“N.Parameswaran Pillai and another vs. Union of India and another”** 2002 ACJ 841 and **“Usha Rani and others vs. Union of India and another”** 2005 ACJ 1611.

3. Further, while relying upon the dictum rendered in aforesaid judgments, this Court allowed the appeals bearing FAO No.3261 of 2008, *titled as “Kailash Nath and another v. Union of India”*, decided on 15.01.2009, FAO No. 1262 of 2010 (O&M), *titled as “Rameshwar Lal and others v. Union of India through General Manager, Northern Railway, Baroda House, New Delhi”*, decided on 11.05.2010 and FAO No. 1520 of 2017 (O/M), *titled as “Suman Rani and others v. Union of India”*, decided on 07.03.2017, observing that the action or order of the court ordering the amount of compensation in Fixed Deposit and disbursement thereof by way of instalments to major/adult members is improper, unjust and illegal.

4. As a corollary of the aforesaid discussion and keeping in view the decision of the Apex Court as well as this Court, appeal is allowed and the order passed by Id. Tribunal dated 21.12.2016 is hereby modified to the extent the amount of compensation awarded to both the claimants vide impugned award dated 21.12.2016 shall be paid to them in cash along with interest accrued thereon.

SEPTEMBER 08, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No