

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.243 of 2014

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is filed by the appellants-applicants, challenging the order, dated 27.06.2012, passed in O.A.A.No.319 of 2004 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard both sides. Perused the record.

3. The learned counsel for the appellants-applicants would contend that the Tribunal awarded interest @ 6% per annum from the date of the remand order, i.e., 19.10.2011 till the date of the impugned award and @ 9% per annum from the date of the impugned order till realisation, which is contrary to the law laid down by the Apex Court in *Tahazhathe Purayil Sarabi and Others Vs. Union Of India and another*¹ and ultimately prayed to award interest on the amount granted as compensation @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award; and @ 9% per annum from the date of award till realization.

4. On the other hand, the learned Standing Counsel for the respondent-Railways would contend that the appellants-applicants are not entitled for grant of interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award. The Tribunal rightly granted interest @ 6% per

¹ 2009 ACJ 2444

annum on the amount granted as compensation from the date of the remand order, dated 19.10.2011 till the date of the impugned order and @ 9% per annum from the date of the award till realisation. There are no circumstances to interfere with the impugned order and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. As per the material placed on record, the Tribunal, after analysing the entire evidence on record, awarded compensation of Rs.4,00,000/- in favour of the appellants-applicants for the death of the deceased-G.Nageswara Rao, who died in an untoward incident of accidental fall from train No.6010 Chennai – Mumbai CST Express, on 20.11.2004 and the said order has become final. The only point that arises for determination in this appeal is with regard to award of interest @ 6% per annum from the date of presentation of claim petition before the Tribunal till the date of award.

6. When a person suffers injuries in an untoward incident of accidental fall from the train and succumbs to the same, his/her dependants would undergo lot of agony and trauma. They may not be in a position to pursue the claim petition diligently and there can be some delay in doing so. Under these circumstances, it is not appropriate to deny interest on the amount granted as compensation to them by the Tribunal.

7. Conflicting opinions existed as to the award of interest on the compensation awarded in the claim petitions filed under the Railway Claims Tribunal Act, 1987. One view was that the Tribunal

has the discretion to stipulate the date with effect from which the interest would accrue and that the claimant/s do not have the right to insist the Tribunal for awarding interest from the date of presentation of the claim petition. In certain cases, it was observed that interest on the compensation must be awarded from the date of presentation of claim.

8. The controversy/difference of opinion has been set at rest by the Apex Court in Tahazhathe Purayil Sarabi's case supra, wherein, it was held that the amount awarded as compensation by the Railway Claims Tribunal shall carry interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award; and @ 9% per annum from the date of award till realization.

9. Following the said decision, this Civil Miscellaneous Appeal is allowed in part, directing that the compensation of Rs.4,00,000/- granted by the Tribunal in favour of the appellants-applicants shall carry interest @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award; and @ 9% per annum from the date of award till realization. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

04th October, 2018
Bvv

Dr. SHAMEEM AKTHER, J