

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.433 of 2017

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 ('the Act', for brevity), is filed by the appellants/applicants, challenging the order, dated 28.11.2016, passed in OAI (U) No.74 of 2011 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellants/applicants, the learned Standing Counsel for the respondent-Railways and perused the record.

3. The learned counsel for the appellants/applicants would contend that the Tribunal ought to have granted Rs.8,00,000/- as compensation in view of the amendment to the Schedule to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, instead of Rs.4,00,000/-, and ultimately prayed to enhance the amount granted as compensation from Rs.4,00,000/- to Rs.8,00,000/-.

4. On the other hand, the learned Standing Counsel for the respondent-Railways would contend that the amended Schedule to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, came into force with effect from 01.01.2017. The order under challenge was passed on 28.11.2016, i.e., before the date of the said amendment. Hence, the Tribunal is justified in granting a compensation of Rs.4,00,000/- in favour of the appellants/applicants. There are no circumstances to interfere with the impugned order and

ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. Admittedly, the Ministry of Railways (Railway Board), Government of India issued a Gazette Notification on 22.12.2016 amending the Schedule to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, with regard to the amount of compensation to be granted to the injured/dependants of the deceased in a railway accident. As per Rule 1 (2) of the said Gazette Notification, the amendment to the Schedule came into force with effect from 01.01.2017. Admittedly, the order under challenge was passed on 28.11.2016, i.e., much before the date of amendment to the Schedule to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990. Hence, the Tribunal is justified in granting a compensation of Rs.4,00,000/- in favour of the appellants/applicants. The appeal is devoid of merit and is liable to be dismissed.

6. Hence, the appeal is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

17th December, 2018
Bvv

Dr. SHAMEEM AKTHER, J