

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 215

FAO No.3023 of 2015 (O & M)
Date of Decision: May 22, 2018

Ajay Tuteja

..... APPELLANT

VERSUS

Union of India

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Deepak Tuteja, Advocate, for the appellant.

. . .

Jaspal Singh, J

CM No.9097-CII of 2015

For reasons given in the application, delay of 2137 days in filing the appeal is condoned.

FAO No.3023 of 2015

The instant first appeal has been preferred by claimant – Ajay Tuteja through his father Sita Ram for enhancement of compensation awarded vide Award/order dated January 20, 2009 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short, 'RCT'), whereby claim petition/application filed by the claimant has been allowed in part and an amount of ₹ 4 lac has been awarded alongwith interest @ 9% per annum from the date of filing of application till realization.

Learned counsel for the appellant has vehemently contended that evidence on record has been misconstrued, mislead and misapplied to the facts of the case, resulting in material prejudice to appellant. Keeping in view the age of injured, 100% disability, future growth prospects, amount spent on his treatment, the amount of compensation as awarded by the RCT is on much lower side and is liable to be enhanced to ₹ 1 crore.

This Court has given a deep thought to the aforesaid submissions of learned counsel for the appellant and scanned the record available but does not find any legal and factual substance therein.

Undisputably, appellant – claimant, aged 21 years, sustained 100% disability in an untoward incident by falling down from train while he was travelling in Train No.1 DRM for journey from Sabji Mandi, Delhi to Samalkha. It may be noticed herein that alleged incident happened on July 25, 2006 whereas the claim application itself was filed on May 25, 2007 i.e. after a delay of almost one year. Moreover, even in the appeal, it has been mentioned as to how compensation is on lower side. As per the provisions of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1997, payment of compensation in the case of death is ₹ 4 lac, whereas in the case in hand, the injured claimant – appellant has been awarded the compensation to the tune of ₹ 4 lac. Moreover, interest @ 9% per annum has been awarded. The amount of compensation of ₹ 4 lac together with interest @ 9% per annum, cannot be termed to be on lower side, that too, when claim application itself was filed after a lapse of almost one year. Even, counsel for the appellant has failed to show that on the date of passing of award, rate of interest was prevalent on higher side than the rate of interest granted. As far as enhancement of compensation is concerned, there is no

provision for enhancement in the relevant Act/Rules, application to the Railways.

In the light of aforesaid discussion, there is no merit in the instant appeal and same is dismissed with no order as to costs.

May 22, 2018
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(Jaspal Singh)
Judge

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>