

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 212

FAO No.9550 of 2014 (O & M)
Date of Decision: *January 25, 2018*

Amro Bai

..... APPELLANT

VERSUS

Union of India

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

PRESENT: - Mr. Chand Ram Olla, Advocate, for the appellant.

Mr. Neeraj Madan, Advocate, for the respondent.

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Jaspal Singh, J

Dis-satisfied with the compensation awarded by the Railway Claim Tribunal, Chandigarh Bench, Chandigarh (for short, 'RCT'), vide Award dated May 09, 2014, claimant Amro Bai widow of Ram Lal has preferred the instant appeal for enhancement of compensation.

The facts giving rise to the instant appeal are that son of the appellant namely Suresh Kumar @ Surjeet Kumar, aged 20 years succumbed to injuries received by falling down from the train on January 12, 2004, while he was travelling from Panipat to Tohana with his mother Amro Bai (appellant), Prabhu Ram and Sheela Devi. His mother Amro Bai filed a claim petition seeking compensation. The RCT, vide Award dated May 09, 2014 hold the claimant – appellant liable to be compensated with

an amount of ₹ 4 lac with interest @ 6%. Railway Administration was held liable to pay compensation w.e.f. May 13, 2010 i.e. the date of institution of claim petition, till the date of decision i.e. May 09, 2014. Sixty days' time was given to the respondent for depositing the amount, failing which, claimant was held liable to receive 9% as penal interest from the date of order.

Heard.

The instant appeal has been filed on behalf the claim submitting that compensation awarded is inadequate. It may be noticed that son of claimant – appellant died on January 12, 2004 and the claim petition was filed by the claimant on May 13, 2010 i.e. after an expiry of more than five years. Plea of the claimant is that deceased was the sole bread earner of the family. If that is so, there is no explanation what to talk of any plausible explanation as to why such a delay has occurred in filing the claim petition for compensation. Moreover, even in the appeal it has not been mentioned how the compensation is on the lower side. According to the award of the Tribunal, payment of compensation in the case of death to railway passenger is governed by the Railways Accidents and Untoward Incidents (Compensation) Rules, 1997. These rules provide a sum of ₹ 4 lac as compensation amount on account of death of railway passenger and such compensation has already been awarded. As far as enhancement of compensation is concerned, there is no provision for enhancement in the relevant Act/Rules, applicable to the Railways.

As far as the contention of learned counsel for the appellant that rate of interest has been granted @ 6% per annum whereas it should have been @ 18% from the date of accident. In this regard, it may be

noticed that interest is granted by the Court at its discretion and it is not shown how 6% interest is on the lower side. Moreover, counsel for the appellants has failed to show that on the date of passing of award, rate of interest was prevalent on the higher side than the rate of interest granted.

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

January 25, 2018
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No