

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 5019 of 2017 (O & M)

Date of decision: 04.10.2018

Gurcharan Singh

....Appellant(s)

Versus

Union of India

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Upender Prasher, Advocate,
for the appellant.

Mr. Neeraj Madan, Advocate,
for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The appellant is aggrieved against the directions of the Railway Claims Tribunal, Chandigarh Bench vide order dated 03.07.2017 to the extent that the amount awarded of Rs.8,00,000/- has been locked up in fixed deposit receipt. The same has been ordered to be released every six months to the tune of 15%. The amount was awarded on account of the amputation of both the legs of the appellant, who is 61 years of age and retired from PSEB, which is also clear from the affidavit which was submitted before the Tribunal. The Tribunal has denied the lumpsum payment which is in spite of the order passed by this Court in ***FAO No. 1262 of 2012, Rameshwar Lal and others vs. Union of India*** decided on 11.05.2010 wherein, reliance was placed upon the judgment of the Apex Court in ***H.S. Ahammed Hussain vs. Irfan Ahammed, 2002 (3) RCR (Civil) 563*** and decision of this Court in ***Asraf vs. Motor Accidents Claims Tribunal, Gurgaon, 2007 (4) RCR (Civil) 301*** to hold that the directions of

the Tribunal were creating a flood of litigation. The relevant portion reads thus:-

“However, this Court is flooded with such type of appeals where only prayer is for release of amount awarded to an adult, which is ordered by the Tribunal to be deposited in a fixed deposit in a Nationalized Bank for a fixed term. This Court is constrained to observe that despite the fact that the Supreme Court, in the case of H.S.Ahammed (Supra), has authoritatively held that in case of an adult, it is not proper to order the amount of compensation to be deposited in fixed deposit and the law laid down by the Supreme Court is to be followed by the Courts and Tribunal all over India in view of Article 141 of the constitution of India but the Tribunal appears to be adamant in passing the same order time and again breeding unnecessary litigation, causing heavy financial loss to the poor litigants, an extra avoidable burden on this Court and wasting time of this Court in doing so despite a long queue of citizens waiting for justice. In this process, their queue will become longer and their misery shall multiply without any compensating benefit to the cause of justice. Therefore, while allowing these appeals, the Tribunal is directed to release the amount to the major/adults forthwith which has been ordered to be deposited in fixed deposit. The Tribunal is further advised not to pass such orders which is offending the orders passed by the Supreme Court as well as by this Court lest it is considered otherwise.

With the aforesaid directions, these appeals are disposed of.

A copy of this order be sent to the Railway Tribunal, Chandigarh Bench, Chandigarh.”

Counsel for the respondent submits that the amount already stands deposited by the Railways.

This Court in *Rameshwar Lal's case (supra)*, after considering the case law on the issue also noticed that the Tribunal is unnecessarily flooding this Court with litigation by forcing the claimants to approach this Court for their original claim which was in the present case paid to them after more than 3 years as the accident took place on 12.04.2014.

In such circumstances, the order of the Tribunal cannot be justified in any manner and accordingly, the appeal is partly allowed to that extent and the Tribunal shall disburse the full amount to the bank account of the appellant through RTGS system within 30 days from today. A copy of the order be sent to the Registrar of the Tribunal and also to the Chairman of the Railway Claims Tribunal, Principal Bench at New Delhi so that the directions passed are kept in mind by the members of the Tribunal.

04.10.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No