

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

FAO No. 5047 of 2017 (O & M)

Date of decision: 04.10.2018

Shmbu Rishi Dev

....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.

Counsel for the appellant has submitted that the appellant is resident of Bihar and on account of the condition of disbursement to the extent of only 15% after every six months, the money cannot be utilized by the appellant in the manner he would wish to and to make arrangements for his family. It is further submitted that it is difficult for him to approach the Tribunal and the Presenting Officer as he is to come from Bihar. A large amount would be spent on travelling which has to be done with the help of an attendant. In such circumstances, the condition as such which has been

imposed is not justified.

Keeping in view the above, since the appellant is more than 30 years of age and though might be illiterate but by locking up the amount, he is not in a position to utilize it for his benefits.

Accordingly, the appeal is partly allowed to that extent and the Tribunal shall disburse the full amount to his bank account through RTGS system keeping in view the peculiar facts and circumstances, noticed above.

04.10.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No