IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No.8107 of 2017 (O&M)
Date of Decision:03.08.2018

Ramesh Chand ...Appellant

Versus

Union of India ...Respondent

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

Present: Mr. Satinder Kumar Rana, Advocate
for the appellants.

Mr. Karminder Singh, Advocate
for the respondent-UOI.

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G.S. SANDHAWALIA, J. (ORAL)

The appeal is filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the order dated 13.07.2017 whereby amount of compensation of Rs.8,00,000/- has been awarded to the appellant who is aged about 54 years, on account of death of his father. The untoward incident happened on 28.12.2013 and interest has been granted from 25.11.2014, the date of filing the claim application @ 6% per annum. Apart from that the appellant is aggrieved that interest should be paid from the date of the incident, which is about 11 months approximately. The other aspect for which the appellant is aggrieved is that only 15% amount is to be released in favour of applicant after every six months.

It is the case of the counsel that the appellant is not a minor as such his father was aged about 73 years of old and therefore, the condition which has been imposed is unreasonable. In ***General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, 1994 AIR (SC) 1631*** the Apex

Court held that as to how the amount of compensation should be deposited in long term fixed deposit, to protect the interest of claimants on account of their illiteracy and poverty etc.

However, in ***A.V. Padma and others Vs. R. Venugopal and others, 2012 (1) SCR 437*** the said judgment was considered and it was held that the Tribunals are proceeding ahead in a mechanical manner and in all cases ordering the amount of compensation be invested in long terms fixed. It was noticed that without recording the age, fiscal background and strata of the society to which the claimants belong, the orders are being passed which are leading to economic ruin and serious prejudice to the parties who are awaiting for the benefits of the compensation on account of death of the person on whom they were dependent. Resultantly, total withdrawl had been permitted.

Resultantly, this Court is of the opinion that the order passed by the Tribunal is liable to be modified to the extent that the appellant shall be entitled to interest from the date of incident in view of judgment of the Apex Court in Civil Appeal No.4945 of 2018 titled as ***Union of India Vs. Rina Devi***, decided on 09.05.2018 and also the amount will be released in lump sum through RTGS system.

The appeal is accordingly allowed in the above said terms.

(G.S. SANDHAWALIA)
JUDGE

03.08.2018
pvd

Whether speaking/reasoned Yes/No
Whether reportable Yes/No