

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.665 of 2014

1. Malti Manohar Dubey W/O Late Ratikant Dubey
2. Archna Dubey D/O Late Ratikant Dubey Both are resident of village-Rampur, P.O.- Sadwa, P.S.- Sidhaulia, Distt.- Gopalganj Bihar.

... .. Appellant/s

Versus

The Union Of India through The General Manager, Northern Railway, Baroda House, New Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Mohan Murari
For the Respondent/s : Mr. Bijoy Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 06-08-2019

Heard the parties.

2. Claimant/appellants have filed this miscellaneous appeal for setting aside the part of order dated 11.08.2014 passed in Claim Application No. T.A.(OA)00118 of 2009 by learned Member (Technical) of Railway Claims Tribunal, Patna Bench granting compensation of Rs. 2 lacs to the claimants/appellants.

3. The claim application was filed by the claimants/appellants widow of deceased Ratikant Dubey for payment of compensation of Rs. 2 lacs on account of death of her husband due to injuries sustained by him in an untoward incident.

4. The husband of claimants/appellants was travelling



on 31.10.1992 by train No. 5208 and the rail compartment caught fire and he died.

5. The tribunal found the claim case of claimants/appellants genuine and bonafide and death of her husband in an untoward incident and granted a compensation of Rs. 2 lacs by order dated 11.08.2014

6. It has been submitted on behalf of learned counsel for the appellants that the tribunal committed an error by granting Rs. 2 lacs as compensation as there was enhancement of compensation amount from two lacs to Rs. 4 lacs with effect from 01.11.1997 and as such as per the judgment and order of the Apex Court passed in Rathi Menon Vs. Union of India since reported in AIR 2001 SC 1333, the claimant is entitled for compensation of Rs. 4 lacs. Accordingly, the order passed by the tribunal is required to be modified to the extent that she is entitled for grant of compensation of Rs. 4 lacs with interest @ 9% from the date of accident till its realization.

7. It has been submitted on behalf of learned counsel for the Railways that the judgment in Rathi Menon was subsequently re-considered by the Supreme Court in Union of India Vs. Reena Devi since reported in 2018 (2) PLJR SC 447 and the relevant paragraph No. 15.4 of said judgment is quoted



below.

“15.4. Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in *Rathi Menon (supra)* and *Kalandi Charan Sahoo (supra)* stands explained accordingly. The 4-Judge Bench judgment in *Pratap Narain Singh Deo (supra)* holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and to give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.”

8. In view of law laid down by the Apex Court, as referred above, this Court does not find any error in the order passed by the Tribunal, accordingly, this miscellaneous appeal



stands dismissed.

9. Let the L.C.R. be returned forthwith to the court
concerned.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.10.2019
Transmission Date	N.A.

