

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.730 of 2014

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Sudhir Kumar Sharma S/o Late Kailash Sharma, resident of village - Mehus,
P.O. and P.S. Mehus, Distt. - Sheikhpura (Bihar).

... .. Appellant/s

Versus

The Union of India, through The General Manager, East Central Railway,
Hajipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari, Adv.
For the Respondent/s : Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 27-06-2019

Heard the parties.

2. This miscellaneous appeal has been filed against part of judgment and order dated 17.09.2014 passed in Claim Application No. OA 00096/2006 by learned Member (Technical), Railway Claims Tribunal, Patna Bench, Patna by which a compensation of Rs. 2 lacs has been granted whereas Claims Tribunal has found appellant to be entitled for compensation of Rs. 2,40,000/-.

3. Briefly stated, the case of claimant as set out in his claim application is that on 19.05.2005 he purchased a ticket from Barauni to Kiul and boarded Muzaffarpur Barauni Bhagalpur Express and during the journey, he lost the balance and fell down from running train and sustained injuries over his



left hand and upper limb. He was taken to Railway Hospital by G.R.P. from where he was referred to PMCH. He was admitted in Rajeshwar Hospital, Patna where his left hand from upper limb got amputated. A disability certificate has been issued by the Civil Surgeon-cum-Chief Medical Officer, Sheikhpura showing 70% disability.

4. On examining the evidences on record, the tribunal found that appellant fell from the train, which is an untoward incident as per Section 123(C) of Indian Railways Act and is entitled for compensation. As per item No. 4 of part III of schedule under Rule 3 of the Railways Accident and untoward incident (compensation) Rules 1990 claimant is entitled to get compensation of Rs. 2,40,000/-. However, the tribunal granted compensation of Rs. 2 lacs only as he had claimed Rs. 2 lacs as compensation in his claim application.

5. Claims Tribunal has to grant compensation which it finds the claimant is entitled for and it is not restricted to the claim amount as claimed by claimant in his claim application. There is no restriction upon the tribunal that the just compensation which it has found the claimant is entitled for cannot be paid to the claimant if not claimed in claim application. Accordingly, the judgment and order dated



17.09.2014 is modified to the extent that respondent Railways shall pay compensation of Rs. 2,40,000/- which has been found by the claims tribunal, the claimant is entitled for and same to be paid to the claimant within three months alongwith 6% interest on the remaining amount of compensation from the date of claim application till its realization.

6. The miscellaneous appeal stands disposed of.

7. Let LCR be returned to the court concerned forthwith.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
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