

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.998 of 2012

JUDGMENT:

This Civil Miscellaneous Appeal is directed against the order, dated 11.07.2011, in O.A.A.No.220 of 2006, on the file of the Railway Claims Tribunal, Secunderabad Bench, Secunderabad, whereunder and whereby, the application filed by the appellants/applicants claiming compensation of Rs.4,00,000/- consequent on the death of Peesapati Suseela was allowed granting compensation of Rs.4,00,000/- with interest @ 6% per annum from the date of order.

2. Heard.

3. Aggrieved by granting interest @6% per annum from the date of the impugned order, the appellants/applicants filed the present appeal.

4. The grievance of the appellants is that the Tribunal ought to have awarded interest from the date of filing of the claim application.

5. Conflicting opinions existed, as to the award of interest, in the claims presented under the Railways Claims Tribunal Act, 1987. One view was that the Tribunal has the discretion to stipulate the date with effect from which, the interest would accrue and that a claimant does not have the right to insist on award of interest from the date of presentation of the claim petition. In certain cases, it was observed that interest must be awarded from the date of presentation of claim.

6. The controversy, or the difference of opinion, has been set at rest by the Apex Court in **Tahazhathe Purayi Sarabi and others v. Union of India and another**¹ that the amount awarded as compensation by the Railway Claims Tribunal shall carry interest from the date of presentation of the claim petition at 6% per annum, and from the date of award, till the date of realization, at 9% per annum.

7. Following the same, the appeal is allowed in part, directing that the amount awarded as compensation by the tribunal, in favour of the appellants, shall carry interest at 6% per annum, from the date of presentation of the claim petition, till the date of award, and thereafter, at 9% per annum, till the date of realization. No order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

T. AMARNATH GOUD, J

13th December, 2019.

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¹ 2009 ACJ 2444

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Date:13.12.2019

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