112 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2033 of 2019 (O&M)
Decided on:10.04.2019

Abdul Rehman .....Appellant

versus

Union of India ....Respondent

CORAM : HON'BLE MR.JUSTICE DR.RAVI RANJAN

Present: Mr.Kunal Jain, Advocate,
Mr.S.R.Chaudhary, Advocate,
for the appellant.

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

DR.RAVI RANJAN, J. (Oral)

CM-6220-CII-2019

This application has been filed seeking condonation of delay of 25 days which has occurred in filing the appeal.

Heard learned counsel for the appellant and the respondent.

For the reasons mentioned in the application it appears that appellant was prevented by sufficient cause in preferring this appeal in time. In the result, this application is allowed and the delay of 25 days in preferring the appeal is hereby condoned.

FAO No.2033 of 2019

I have heard the learned counsel for the appellant and the respondent.

This appeal has been preferred by the claimant/appellant against the Award dated 13.11.2018 passed in Case No.OA-II/72/2017 by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, who, in a railway untoward incident got seriously injured and during the treatment, his right leg upto middle thigh and left half foot was amputated and and he has been held entitled by the Tribunal for compensation amount of Rs.8 Lakhs alongwith interest at the rate of 9% per annum from the date of incident, i.e. 07.01.2017 (intervening night of 6/7.01.2017) till the date of payment. The challenge on limited ground that only a sum of Rs.2 Lakh alongwith proportionate interested accrued thereon, was allowed directly to be paid to him through ECS and the balance amount of Rs.6 Lakh alongwith interest shall be invested in FDR in his favour for a period of three years, with liberty to him to withdraw quarterly interest on such FDR.

It is contended that there is no reason as to why Rs.6 Lakhs of the compensation amount could be ordered to be kept in fixed deposit, as he is not a minor.

In my considered opinion also there is no reason for keeping Rs.6 Lakhs of the awarded amount of compensation in a fixed deposit rather the entire amount should have been released to his bank account.

Accordingly, this appeal to the aforesaid extent is allowed and the respondent is directed to release the remaining amount of the awarded compensation amount, i.e. Rs.6 Lakhs to the appellant/claimant alongwith interest accrued, in his bank account directly within a period of two months.

If the investment has already been made in the FDR in any Nationalised Bank, then the Bank, on the request of the appellant/claimant made alongwith the copy of this order, would release the amount in his bank account alongwith interest earned.

In the result, this appeal is allowed to the extent as indicated above.

(DR. RAVI RANJAN)
JUDGE

April 10, 2019
dharamvir

Whether speaking/reasoned Yes
Whether Reportable No