IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2011 of 2019 (O&M)
Decided on:08.04.2019

Lata and others .....Appellants

versus

Union of India ....Respondent

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

Present: Mr.Somesh Gupta, Advocate,
for the appellants.

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

DR.RAVI RANJAN, J. (Oral)

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

The challenge in this appeal is limited to the part of the Judgement and Award by which the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, has ordered that only Rs.50,000/- each alongwith proportionate interest accrued thereupon, for claimants no.1 to 3, i.e., Lata widow of the deceased, Netrapal Singh father of deceased and Sharma Devi mother of the deceased would be given through ECS and the rest amount would be invested in FDRs in their favour in some Nationalised Bank for a period of three years. It is stated that this has been done as it is the duty of the Court to watch the interest of the applicants who are extremely poor, illiterate and rustic villagers and once the compensation amount goes to the hands of middleman it becomes very difficult to restore the same to the actual claimants. Similarly, the amount of Rs.1 Lakh each alongwith proportionate interest, granted in favour of the minors have also been directed to be invested in a Term Deposit Scheme in a Nationalised Bank separately in their favour till they attain the age of majority. It has also been observed that Fixed Deposits shall not be subject to any encumbrance, loan, etc. and no cheque book shall be issued on this bank account number.

The learned counsel for the appellants only raises issue with respect to the amount which has been directed to be invested in FDRs separately in favour of appellants/applicants no.1 to 3. It is stated that all of them are major and if the amount paid directly to their respective accounts there would be no question of any middleman or any other person drawing the same without their permission.

I find force in the submission made on behalf of the appellants. Since, they are major, they have right to utilise the compensation amount granted under the statutory provisions at their own will. However, the Tribunal seems to be correct that sometimes the amount goes in the hands of middleman therefore, the aforesaid arrangement has been made as the claimants/applicants are extremely poor, illiterate and rustic villagers. However, this issue can be resolved by directing the amount to be paid in the respective accounts of the claimants/applicants no.1 to 3 from which nobody can draw any amount without any cheque or such instrument having been issued by the account holder. Accordingly, this Court modifies the impugned order to the extent that the amount kept in FDRs in favour of appellants/applicants no.1 to 3 be released by depositing the same in their respective bank accounts. The interest earned, if any, upon the said FDRs should also be deposited in their respective bank account. If the investment has already been made in the FDRs in any National Bank, then the Bank, on the request of the claimants made alongwith the copy of this order, would release the amount in the respective bank accounts of the claimants alongwith interest.

However, so far the applicants no.4 and 5 are concerned, since they are minor, the order passed with respect to them directing their compensation amount to be invested in Term Deposit Scheme in a Nationalised Bank till they attain the age of majority, is upheld as no modification is required in their cases.

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

(DR. RAVI RANJAN)
JUDGE

April 08, 2019
dharamvir

Whether speaking/reasoned Yes
Whether Reportable No