

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:4.9.2019

FAO No. 2037 of 2019 (O&M)

Amarjeet Singh and another

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 2038 of 2019 (O&M)

Ranjana Devi and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 2046 of 2019 (O&M)

Pauriya Thelcho and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 2670 of 2019 (O&M)

Shashi Bala and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3065 of 2019 (O&M)

Mahabir @ Mahabir Parsad and another

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No.3084 of 2019 (O&M)

Kavita Devi and others

---Appellants

FAO No. 2037 of 2019 (O&M)

-2-

PARAMJIT KAUR SAINI
2019.09.13 10:34
I attest to the accuracy and
integrity of this document

vs.

Union of India through General Manager

---Respondent

FAO No. 3097 of 2019 (O&M)

Ghooro Bai and others

---Appellants

vs.

Union of India through General Manager and another

---Respondent

FAO No. 3099 of 2019 (O&M)

Rahul @ Rahul Kumar and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3225 of 2019 (O&M)

Munni Devi and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3240 of 2019 (O&M)

Balbir Singh and another

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3244 of 2019 (O&M)

Pritam Kaur and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3273 of 2019 (O&M)

Mohan Ram and another

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 2037 of 2019 (O&M)

-3-

PARAMJIT KAUR SAINI
2019.09.13 10:34
I attest to the accuracy and
integrity of this document

FAO No. 3280 of 2019 (O&M)

Rajika and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3285 of 2019 (O&M)

Kamaljeet Kaur and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3288 of 2019 (O&M)

Soni @ Soni Begum and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3289 of 2019 (O&M)

Chanderkanta and others

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 3461 of 2019 (O&M)

Monika Sharma and another

---Appellants

vs.

Union of India through General Manager

---Respondent

FAO No. 5206 of 2019 (O&M)

Hiran Kumari

---Appellant

vs.

Union of India through General Manager and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Somesh Gupta, Advocate for
Mr. S.R.Chaudhary, Advocate
for the appellants in FAO-2037, 2038 and 2046 of 2019

Mr. Upender Prashar, Advocate
for the appellants in FAO Nos. 3225, 3461 and 5206 of 2019

Mr. Somesh Gupta, Advocate
for the appellants in FAO Nos.3065,3084, 3097, 3099, 3240,
3244, 3273, 3280,3285,3288, 3289 of 2019

Mr. Upender Prasher, Advocate for
Mr. Daljit Singh, Advocate
for the appellants in FAO- 2670 of 2019

Mr.Karaminder Singh, Advocate
for the respondent-Union of India

Rekha Mittal, J.

This order will dispose of FAO Nos. 2037, 2038, 2046, 2670, 3065, 3084, 3097, 3099, 3225, 3240, 3244, 3273, 3280, 3285, 3288, 3289, 3461, 5206 of 2019 as identical questions of law and fact are involved for adjudication. For facility of reference, facts are taken from FAO No. 2037 of 2019.

The precise question involved in this case is whether the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short “the Tribunal”) has rightly ordered for investing of compensation allowed to an adult claimant in fixed deposit or otherwise.

Counsel for the appellant would argue that with regard to compensation allowed to adult claimant(s), the Tribunal has wrongly directed the whole or a part of it to be invested in fixed deposit, therefore, order in respect of depositing compensation in fixed deposit in the case of

an adult claimant is liable to be modified and amount deposited in fixed deposit may be released forthwith. In support of his contention, he has relied upon judgment of Hon'ble the Supreme Court **H.S.Ahmmmed Hussain vs. Irfan Ahammed 2002(3) RCR (Civil) 563** along with connected case. Further reference has been made to judgments of this court **Kamlesh and others vs. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi 2009 (4) RCR (Civil) 234**, **Rameshwar Lal and others vs. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi 2011 (3) RCR (Civil) 518**, **Gurcharan Singh vs. Union of India 2018 (4) PLR 724** and **Abdul Rehman vs. Union of India FAO No. 2033 of 2019 decided on 10.4.2019**.

The controversy raised in the present appeal is squarely covered in favour of the claimants in view of the cited authorities. This Court in **Rameshwar Lal and others' case (supra)** by relying upon judgment of Hon'ble the Supreme Court in **H.S.Ahmmmed Hussain's case (supra)**, has held, quoted thus:-

“11. It is now well settled by the Supreme Court in the case of **H.S.Ahammed (Supra)** that amount of compensation awarded to an adult cannot be ordered to be deposited in fixed deposit. Similarly, this Court also took the view in the case of **Asraf vs. Motor Accidents Claims Tribunal, Gurgaon, 2007(4) RCR (Civil) 301**, that the Tribunal has no jurisdiction to order for deposit of the amount of compensation in fixed deposit in case where the claimant is major.

12. However, this Court is flooded with such type of appeals where only prayer is for release of amount awarded to

an adult, which is ordered by the Tribunal to be deposited in a fixed deposit in a Nationalized Bank for a fixed term. This Court is constrained to observe that despite the fact that the Supreme Court, in the case of **H.S.Ahammed (Supra)**, has authoritatively held that in case of an adult, it is not proper to order the amount of compensation to be deposited in fixed deposit and the law laid down by the Supreme Court is to be followed by the Courts and Tribunal all over India in view of Article 141 of the constitution of India but the Tribunal appears to be adamant in passing the same order time and again breeding unnecessary litigation, causing heavy financial loss to the poor litigants, an extra avoidable burden on this Court and wasting time of this Court in doing so despite a long queue of citizens waiting for justice. In this process, their queue will become longer and their misery shall multiply without any compensating benefit to the cause of justice. Therefore, while allowing these appeals, the Tribunal is directed to release the amount to the major/adults forthwith which has been ordered to be deposited in fixed deposit. The Tribunal is further advised not to pass such orders which is offending the orders passed by the Supreme Court as well as by this Court lest it is considered otherwise”

In view of the above, while allowing the abovesaid appeals, the Tribunal is directed to release the amount to the major claimants forthwith, ordered to be deposited in fixed deposit.

In view of what has been discussed hereinbefore, the appeals are allowed in the aforesaid terms.

(Rekha Mittal)
Judge

4.9.2019
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No