IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2036 of 2019 (O&M)
Decided on:08.04.2019

Asha Rani .....Appellant

versus

Union of India ....Respondent

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

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

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

DR.RAVI RANJAN, J. (Oral)

I have heard learned counsel for the appellant 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.2 Lakh alongwith proportionate interest accrued thereupon, for claimant would be given immediately through ECS and rest of the amount would be invested in FDR in her 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 applicant who is extremely poor, illiterate and rustic villager and once the compensation amount goes in the hands of middleman, it becomes very difficult to restore the same to the actual claimant. It has also been observed that Fixed Deposit 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 appellant only raises issue with respect to the amount which has been directed to be invested in FDR separately in favour of the appellant. It is stated that she is major and if the amount is paid directly to her bank account, there would be no question of any middleman or any other person drawing the same without her permission.

I find force in the submission made on behalf of the appellant. Since, she is major, she has right to utilise the compensation amount granted under the statutory provisions at her will. However, the Tribunal seems to be correct that sometimes the amount goes to the hands of middleman. However, this issue can be resolved by directing the amount to be paid in the bank account of the claimant/applicant from which nobody can draw any amount without any cheque or such instrument having been issued by her. Accordingly, this Court modifies the impugned order to the extent that the amount kept in FDR in favour of appellant/applicant be released by depositing the same in her bank account. The interest earned, if any, upon the said FDR should also be deposited in her bank accounts. If the investment has already been made in the FDR in any National Bank, then the Bank, on the request of the claimant made alongwith the copy of this order, would release the amount in the bank account of the claimant alongwith interest.

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