

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 3509 of 2019

Date of Decision: 27.05.2019

Avninder Singh and another

... Petitioners

V/S

Union of India

... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Somesh Gupta, Advocate
for the petitioners

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SUDIP AHLUWALIA, J. (ORAL)

Petitioners seek modification of order dated 02.05.2019 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh in O.A. No. OA-IIu/CDG/2018/64 to the extent the way compensation is to be dispersed to the petitioners and for directing the respondent to immediately release the entire compensation granted to the petitioners.

Perusal of the record would show that the claim petition filed by the petitioners under Section 16 of the Railway Claims Tribunal Act, 1987 seeking compensation on account of death of Tarunveer Singh was allowed.

Petitioner – Avninder Singh, father of deceased Tarunveer Singh and Kuldip Kaur, mother of deceased were held entitled to receive a sum of Rs.8 lacs, to be divided equally among them with the direction that the applicants/petitioners shall be permitted to withdraw 15% with interest, out of their share in the awarded compensation amount deposited and rest of their share shall be invested in the Bank deposits while believing the status

Kuldip Kaur were assessed at Rs. 4722/- per month, each, and their respective compensation amount of Rs.3,40,000/- each along with interest after payment of 15% with interest as mentioned above in the compensation amount was splitted into 72 monthly deposits @ Rs. 4722/- each which has to be invested for a period from 1 to 72 months in the ascending order. The Bank was, thus, directed to release the amount to the applicants as mentioned below:

S.No.	Name of the Awardees/ applicants	Relationship with the deceased	Monthly share disbursement
1	Avninder Singh	Father	Rs. 4722/-
2	Kuldip Kaur	Mother	Rs. 4722/-

Learned counsel for the petitioners relies upon order dated **13.05.2019** passed in **Civil Revision No.3111 of 2019** titled 'Kalita Devi vs Parveen and others' and order dated **15.05.2019** passed in **Civil Revision No.3193 of 2019** titled 'Satish vs Union Bank of India and others' and contended that no restriction can be placed on the rights of an adult to claim compensation and release of the amount deposited in his/her name. There cannot be any conceivable reason to deny release of the amount to any adult member who has to manage the affairs of the family particularly when no such release is being prayed for.

In view of above and in the nature of order which is being passed, there is no necessity of issuing any notice to the respondents as the same would further delay disposal of the case.

In **H.S. Ahammed Hussain vs Irphan Ahammed, 2002(3)**

RCR (Civil) 563, it was held that fixed deposit of the amount in case of adult member is not proper.

Since the deposit was made as per orders of the Tribunal, therefore, the Bank would have no obvious objection against withdrawal of the same.

The aforesaid view was followed by this Court in **Indra Devi vs. Dharam Singh and others, 2006(4) RCR (Civil) 762** and **Civil Revision No.6289 of 2016** titled '**Surti Devi vs. Oriental Bank of Commerce**' decided by this Court on 22.09.2016.

For the reasons recorded hereinabove, I find that there cannot be any conceivable reason to deny the prayer of the petitioners.

Resultantly, this revision petition is allowed. Impugned order dated 02.05.2019 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh is hereby set aside. Share of the petitioners along with interest till date is allowed to be withdrawn in accordance with rule and procedure of the Bank.

27.05.2019
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(SUDIP AHLUWALIA)
JUDGE

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