

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5310 of 2019

Date of decision: 04.09.2019

Rita Devi and others

...Petitioners

Versus

Union of India

...Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

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

B.S. WALIA, J. (Oral)

1. Prayer in the revision petition under Article 227 of the Constitution of India is for modification of award dated 23.08.2019, passed by the learned Railway Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') in OA-IIu/CDG/2018/103, by directing release of compensation awarded to petitioner Nos.1 to 3 immediately instead of in the manner ordered by the Tribunal.

2. A petition under Section 16 of the Railway Claims Tribunal Act, 1987, seeking compensation of ₹8 Lakh on account of death of Pintoo Chauhan on 16.12.2017 by falling from Mail Express Train from Manakpur Railway Station between Ambala Cantt. and Ambala City Railway Station, was filed by the petitioners. On the basis of evidence led by the parties, the Tribunal granted compensation of ₹8 Lakhs as per details given as under:-

Sr. No.	Name of the applicants and dependants	Relationship with the deceased	Share of compensation amount to be distributed among the applicants
1.	Rita Devi	Wife	₹2,00,000/- (Rupees two lakh only along with proportionate interest)
2.	Jagmohan	Father	₹2,00,000/- (Rupees two lakh only along with proportionate interest)
3.	Mathura Devi	Mother	₹2,00,000/- (Rupees two lakh only along with proportionate interest)
4.	Amit	Minor son	₹1,00,000/- (Rupees one lakh only along with proportionate interest)
5.	Sumit	-do-	₹1,00,000/- (Rupees one lakh only along with proportionate interest)

3. A perusal of the award reveals that petitioner Nos.1 to 3 aged 32, 69 and 67 years and being the wife, father and mother of deceased Pintoo Chauhan respectively were awarded compensation of ₹2 Lakh each along with proportionate interest while petitioner Nos.4 and 5 i.e. minor sons of the deceased were awarded a sum of ₹1 Lakh each with proportionate interest. However, compensation awarded was directed to be deposited in the bank account of the petitioners with petitioner Nos.1 to 3 being permitted to withdraw 1/10th of the same

along with interest qua their individual share while rest of the individual share was ordered to be invested in bank deposit in the manner indicated in the concluding part of the award. Share of compensation awarded to petitioner Nos.4 and 5, was ordered to be invested in a nationalized bank in term deposit till their attaining majority.

4. Learned counsel states that the petitioners require the compensation awarded for meeting their requirements and being adults with petitioner Nos. 2 & 3 being 69 and 67 years of age they can fully protect their interest, consequentially, in the circumstances there are no conceivable reasons for the Tribunal to have directed release of only part of the compensation with balance to be placed in fixed deposit.

5. Learned counsel relies upon the decision in Raj Kumar vs. Union of India CR No.3644 of 2019, decided on 31.05.2019, wherein while relying upon the decision in 'H.S. Ahammed Husain vs. Irphan Ahammed 2002 (3) RCR (Civil) 563, Indra Devi vs. Dharam Singh and others 2006 (4) RCR Civil 762, CR No.6289 of 2016, titled Surti Devi vs. Oriental Bank of Commerce, decided on 22.09.2016, CR No.3111 of 2019 titled Kalita Devi vs. Parveen and others decided on 13.05.2019, CR No.3193 of 2019 titled Satish vs. Union Bank of India, decided on 15.05.2019 and CR No.3398 of 2019, titled Taro Devi vs. Union of India and others, decided on 22.05.2019, the Hon'ble Coordinate Bench disposed of the revision petition without issuing notice to the respondents therein by modifying the award passed by the Tribunal by holding that the petitioner therein was held entitled to get

the amount of compensation awarded in her favour released by approaching the concerned Tribunal.

6. The aforementioned decision was followed by another Coordinate Bench in 'Dev Singh alias Hardev Singh and others vs. Union of India CR No.3423 of 2019, decided on 27.05.2019.

7. In the light of the position as noted above, the revision petition is allowed without issuing notice to the respondent as firstly petitioner Nos.1 to 3 are adults with petitioner Nos. 2 and 3 being of advanced age, therefore, being claimants they cannot be denied the use of the money awarded to them as deemed appropriate by them and secondly, issuance of notice to the respondent would merely delay the disposal of the case. Accordingly, impugned order dated 23.08.2019, passed by the Tribunal is modified to the extent that petitioner Nos.1 to 3 would be entitled to get the amount awarded released in their favour by moving appropriate application before the Tribunal. Needless to mention in case any such application is moved before the Tribunal, the same would be considered and decided in accordance with law, as expeditiously as possible. However, while deciding the application and ordering release of compensation to petitioner Nos.1 to 3, the learned Tribunal shall ensure that the compensation awarded is received by said petitioners only.

(B.S. Walia)
Judge

04.09.2019

rajesh.k.khurana

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |