

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

-.-

FAO 4775 of 2017 (O&M)

Date of decision: 02.07.2019

Union of India

.....Appellant

Versus

Krishana and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Kulwant Kaur Kahlon, Advocate
for the appellant

Mr. Dheeraj Narula, Advocate
for the respondents

-.-

Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against award dated 26.04.2017 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') whereby the respondents/claimants have been awarded Rs.8,00,000/- with interest @ 6% per annum from the date of filing of claim application i.e. 07.07.2014 till the date of award and interest @ 9% per annum would be payable in case the compensation amount is not credited to the accounts of respondents within the period prescribed in the award.

The sole submission made by counsel for the appellant is that Balwant Bansal met with an unfortunate occurrence on 09.07.2013 and the award was passed on 26.04.2017. It is further submitted that in view of

notification dated 22.12.2016 issued by the Central Government, amount of compensation was enhanced from Rs.4,00,000.00 to Rs.8,00,000.00 in death cases. It is further argued that Hon'ble the Supreme Court in ***Union of India vs Rina Devi, 2018 (3) R.C.R (Civil) 40*** has held in para 15.4 of the judgment that compensation will be payable as applicable on the date of accident with interest as may be considered reasonable from time-to-time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of award of the Tribunal, the claimant will be entitled to higher of the two amounts. It is further argued that in the given scenario, the claimants are either entitle to Rs.4,00,000.00 with interest or Rs.8,00,000.00, whichever is higher but they are not entitle to interest on the amount of Rs.8,00,000.00.

Counsel representing the respondents, on the contrary, has supported payment of interest on the amount of Rs.8,00,000.00

I have heard counsel for the parties and perused the paper book, particularly the award.

In the light of enunciation laid down in para 15.4 of the judgment in ***Rina Devi's*** case (supra), there is no escape from conclusion that the claimants, in the given circumstances, are either entitle to Rs.4,00,000.00 along with interest or Rs.8,00,000.00 whichever is higher. Counsel for the claimants would inform that the claimants would be the gainer if they are allowed a sum of Rs.8,00,000.00 in preference to Rs.4,00,000.00 along with interest from the date of accident. Accordingly, the claimants shall be entitle to Rs.8,00,000.00 in all but the said amount shall not carry any interest.

In view of what has been discussed here-in-above, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

02.07.2019
Mohan Bimbura

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