

115

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

CR No. 5975 of 2019

Date of Decision: 23.09.2019

Usha Devi and another

-Petitioners

Vs

Union of India through General Manager

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (ORAL)

At the very outset, learned counsel for the petitioners states that compensation granted in favour of petitioner No.2 be kept intact in FDR.

Petitioner No.1 seeks modification of order dated 03.09.2019 passed by Railway Claims Tribunal, Chandigarh only to the extent of allowing her to withdraw the compensation granted to her by Railway Claims Tribunal, Chandigarh.

An amount of Rs.4 lacs was granted to petitioner No.1 and was ordered to be deposited in FDR.

Petitioner No.1 seeks to withdraw the aforesaid amount by diluting the rigor of condition/rider in the award.

Perusal of the record would show that petitioner No.1 herself was one of the claimants before the Tribunal and sought grant of compensation on account of death of Tarsem Lal (husband).

An amount of Rs.8 lacs was awarded by the Railway Claims Tribunal, Chandigarh as compensation in favour of both the claimants in equal shares.

Petitioner No.2 is a minor. Petitioner No.1 concedes to the fact that the compensation granted in favour of petitioner No.2 be kept intact in the FDR till he attains majority but petitioner No.1 be permitted to withdraw the amount of compensation along with interest till date which has been deposited in bank deposit in the manner as suggested in the concluding part of the award.

Learned counsel for the petitioners submits that petitioner No.1 being adult mother of petitioner No.2, requires the amount towards day to day needs of the family and for upbringing of petitioner No.2.

In support of his contention, he places reliance upon **H.S. Ahammed Husain vs Irphan Ahammed, 2002(3) RCR (Civil) 563, Indra Devi vs Dharam Singh and others, 2006(4) RCR (Civil) 762, Civil Revision No.6289 of 2016 titled 'Surti Devi vs Oriental Bank of Commerce' decided on 22.09.2016,**

Civil Revision No.3111 of 2019 titled 'Kalita Devi vs Parveen and others', decided on 13.05.2019, Civil Revision No.3193 of 2019 titled 'Satish vs Union Bank of India', decided on 15.05.2019 and Civil Revision No.3398 of 2019 titled 'Taro Devi vs Union of India and others' decided on 22.05.2019.

He further submits that there cannot be any conceivable reasons to deny release of the amount in favour of adult member of the family who is also beneficiary of the award. There cannot be any legal impediment in the release of the amount in favour of petitioner No.1.

In view of nature of controversy involved in the present revision petition, there is no necessity of issuing any notice to the respondent as it would further delay in disposal of the revision petition.

In my view, the respondent has no obvious reason to oppose the prayer of petitioner No.1 as the Bank is the only custodian of the amount belonging to the petitioners.

For the reasons recorded hereinabove, I deem it appropriate to accept this revision petition. Impugned order dated 03.09.2019 passed by Railway Claims Tribunal, Chandigarh in OA No.II/1/2018 is thus modified to the extent that petitioner No.1 is entitled to get her amount released which was awarded by the Tribunal in her favour only.

Petitioner No.1 may approach the concerned Tribunal
for appropriate orders.

23.09.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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