

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

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FAO-7736-2017 (O&M)

Date of decision: 04.10.2019

UNION OF INDIA

... Appellant

Versus

JUSTIN FERNANDEZ

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Kulwant Kaur Kahlon, Advocate for the appellant.
None for the respondent.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 18.08.2017 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby compensation has been assessed on account of injuries sustained by respondent in an untoward incident that took place on 17.07.2016.

The sole submission made by counsel is that the Tribunal has awarded interest @ 6% per annum from the date of filing of claim application i.e. 27.09.2016 till the date of order on compensation of Rs.8 lakh and @ 9% per annum in case the compensation is not deposited within 60 days. It is argued that at the time of unfortunate occurrence, admissible compensation was Rs.4 lakh but the same was enhanced to Rs.8 lakh vide notification dated 22.12.2016. It is further argued that in view of judgment passed by Hon'ble the Supreme Court **Union of India Vs Rina Devi, 2018 (3) R.C.R (Civil) 40**, the respondent/claimant is either entitle to Rs.4 lakh with interest or Rs.8 lakh without interest, whichever is beneficial to him.

There is no representation on behalf of the respondent, despite service.

Indisputably, the occurrence in question took place on 17.07.2016. The notification was issued by the Central Government on December 22, 2016 effective from 01.01.2017 enhancing the rate of compensation. When the case is examined in the light of judgment in **Rina Devi's case (supra)**, respondent has rightly been allowed compensation to the tune of Rs.8 lakh but the same would not carry interest.

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

04.10.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No