

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5290 of 2018 (O&M)

Date of Decision: 31.05.2019

Krishan Lal and another

.....Appellants

Vs.

Union of India

.....Respondent

CORAM: HON'BLE MS. JUSTICE DR. RAVI RANJAN

Present:- Mr.Upender Prasher, Advocate, for the appellants.

DR. RAVI RANJAN, J. (Oral Judgment)

Heard learned counsel for the appellants.

This appeal has been preferred in part assailing the decision dated 04.07.2018 passed in O.A.No.OA-IIU-CDG-2015-93 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, by which compensation amount of Rs.8 Lacs has been awarded in favour of claimants/appellants but Rs.4 Lacs i.e., Rs.2 Lacs each to the appellants No.1 and 2 has been allowed to be paid directly and balance 50% amount has been directed to be kept in FDR in any Nationalized Bank for a period of 3 years. It is this part of the order which is under challenge before this Court.

It is contended on behalf of the appellants that compensation amount having been awarded to the appellants, who are obviously being father and mother of the deceased are major, there was no requirement of making such direction keeping 50% compensation amount in FDR in any nationalized bank inasmuch as the same has to be allowed to be enjoyed and utilized by the claimants.

I find force in the submission raised on behalf of appellants.

The order under challenge is usually passed in the cases of minors, where such arrangement can be made by keeping their amount in FDR in any nationalized bank so that they could get the same along with interest after attaining the age of majority. However, in the present case both of the appellants are major being father and mother of the deceased, there would be no requirement for such restriction.

Accordingly, the Award dated 04.07.2018 is modified to the extent that entire amount would be payable alongwith interest directly to the appellants. If such amount has already been kept in FDR in any nationalized bank then, by production of certified copy of this order along with application, concerned branch of the bank would release the amount kept in FDR in favour of the appellants as per their share defined in the Award.

The appeal stands allowed to the extent as indicated above.

(DR. RAVI RANJAN)
JUDGE

31.05.2019

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No