

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

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**CM-8052-CII-2020 in/and
FAO-3067-2019
Date of Decision: 03.09.2020.**

Krishan Verma

....Appellant.

Versus

Union of India

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Narender Kaajla, Advocate for the appellant.

Mr. G.S. Bajwa, Advocate for the respondent.

Suvir Sehgal, J.

This matter has been taken up for hearing through video conferencing due to Covid-19 pandemic.

CM-8052-CII-2020

This application has been filed for placing on record a copy of the bank pass-book and FDR of the applicant/appellant as Annexures P2 and P3.

Notice of the application.

Mr. G.S. Bajwa, Advocate, who is available on conference call, accepts notice on behalf of the respondent. Advance copy of the application has been served upon him. He does not have any objection, in case the application is accepted.

Application is allowed. Annexures P2 and P3 are taken on record.

FAO-3067-2019

The instant appeal has been filed by the claimant/ appellant under Section 23 of the Railway Claims Tribunal Act, 1987 challenging the judgment dated 07.02.2019 passed by the Railway Claims Tribunal, Chandigarh Bench (for short, “the Tribunal”), to the extent the balance amount of compensation of Rs.6,00,000/- awarded to the appellant has been ordered to be kept in the shape of an FDR for a period of five years in the name of the appellant.

Facts, in brief, are that on 02.04.2016, the claimant/appellant, was travelling on a passenger train from Rajpura to Kurukshetra on a valid ticket. When the train reached near the railway platform of Kurukshetra, in order to alight from the train, the appellant came near the door of the compartment but due to heavy rush and a sudden violent jerk, he accidentally fell from the train and his legs were trapped between the train and the platform. This accident led to the amputation of both his legs from above the knee. He filed a claim petition before the Tribunal, which was disposed of vide judgment dated 07.02.2019, whereby compensation of Rs.8,00,000/- was awarded. Relevant extract of the order passed by the Tribunal is reproduced as under:-

“In the result, the original application is, hereby, allowed on contest, to the extent that an award of Rs.8,00,000/- (Rupees eight lacs only) is made in favour of the injured-applicant and against the respondent.

In order to prevent the misuse of compensation amount by some unscrupulous elements and sometimes by middlemen, since this Tribunal had been receiving complaints from the poor claimants, having not received the compensation amount in a hundred of cases and their compensation amount is being usurped by the middlemen. Thus, in such a scenario, it is the duty of the Court to watch the interest of the applicant-injured, who is otherwise a totally disabled person. So, a special arrangement is made, which is as under. Out of the compensation amount payable to the applicant(injured), initially, a sum of Rs.2,00,000/-(Rupees two lacs only), shall be paid to applicant-injured (Krishan Verma) immediately through RTGS and the balance compensation amount i.e. Rs.6,00,000/- (Rupees six lacs only), shall be invested in the FDR in his favour, in some Nationalised Bank, nearest to his place of residence, for a period of five years and will receive interest after every three month.”

It has been urged by the counsel for the appellant that prior to the accident, the appellant was active and working as a salesman. The appellant is staying with his old widowed mother and as a result, of the unfortunate accident, he is neither in a position to earn his livelihood nor is he able to take care of himself. He submits that he is in need of the amount to purchase a tri-scooter so as to facilitate his movement besides caring out the repair and extension of his house, photographs of which have been attached by him as Annexure A1 and also re-pay Rs.2,00,000/- to a relative,

Mr. G.S. Bajwa, Advocate for the respondents has in all fairness submitted that there can be no possible objection to the prayer made by the appellant as the compensation money belongs to the appellant and has to be paid to him.

I have considered the submissions made by the parties.

Hon'ble Supreme Court in case *H.A.S. Ahammed Hussain Vs. Irfan Ahammed, 2002(6), SCC, 52* has held that where the amount of compensation is to be paid to an adult, the same should not be invested by depositing it in a fixed deposit in a nationalized bank and in case the amount has been invested by depositing in a nationalized bank, it may be prematurely withdrawn if the claimant so intends.

In the case in hand, the appellant has established dire need for the amount to repay a debt and to purchase a suitable conveyance for himself. His house is also in need of renovation and extension. Still further, the respondent also does not and cannot have any possible objection to the payment of the balance amount of the compensation to the appellant.

In view of the above, the judgment dated 07.02.2019 passed by the Tribunal, is modified to the extent that the FDR, Annexure P3, of the balance amount of compensation of Rs.6,00,000/- be prematurely encashed and the FDR amount alongwith interest accrued thereon be paid to the appellant by way of ECS transfer to his bank account, details of which are mentioned in Annexure P1, by the bank/ Tribunal after verifying the identity of the appellant and his bank account particulars.

Keeping in view the fact that the appellant is a totally disabled person and may not be in a position to approach the bank/Tribunal to submit

Officer of the Tribunal may depute an official to go to the residence of the appellant and assist him with the documentation and the paper work. The needful be done within a period of one month from the date of receipt of certified copy of the order.

Appeal is accordingly disposed of.

(SUVIR SEHGAL)
JUDGE

03.09.2020
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No