

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

**CR No.2268 of 2020 (O&M)
Date of decision : December 02, 2020**

Roshan Lal and another **..... Petitioners**

Versus

Union of India and others **..... Respondents**

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Kulwant Singh Dhanora, Advocate for the petitioners.

Mr. Karminder Singh, Advocate for respondent No.1.

RAJBIR SEHRAWAT, J. (ORAL)

Present revision petition has been filed for quashing of the impugned order dated 19.08.2020 (Annexure P-4) passed by the learned Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal'), vide which the application for releasing the amount of ₹50,560/- bearing FDR NO.7850660587-7 dated 08.01.2020 (Annexure P-2) and an amount of ₹50,560/- bearing FDR No.761070021-6 dated 08.01.2020 (Annexure P-3) have been dismissed.

It is submitted by the learned counsel for the petitioners that the petitioners are the old age parents of the deceased. They need the money at present to take care of themselves and of their multiple ailments. Therefore, the order passed by the Tribunal declining the payment of the entire amount of compensation to the petitioners, deserves to be set aside and the entire amount of the compensation deserves to be released to the petitioners.

On the other hand, learned counsel for respondent No.1 has pointed out that under Section 23 of the Railway Claims Tribunal Act, 1987, any order passed by the Tribunal is appealable. Therefore, the present petition is not maintainable. It is further submitted that pursuant to the judgment of Hon'ble the Supreme Court, even the rules have been framed to keep a part of the amount of compensation awarded by the Tribunal in fixed deposits for a definite period. The counsel has submitted that it is for the benefits of the claimants only that their money is kept safe for future needs by saving the same from going to the wrong hands. Hence, it is submitted that the Tribunal has rightly passed the order declining the application of the petitioners.

Having heard learned counsel for the parties and having perused the case file, this Court finds that while passing the impugned order, the Tribunal has only followed the law laid down by Hon'ble the Supreme Court in the judgment rendered in Civil Appeal No.4945 of 2018, titled as ***“Union of India v Rina Devi”***, decided on 09.05.2018. Otherwise also, undisputedly major part of the amount of compensation has been released to the petitioners. Besides this, there is nothing on record to show the immediate and emergent requirements of the amount of compensation by the petitioners. Hence, this Court does not find any illegality or impropriety with the impugned order passed by the Tribunal.

Accordingly, the present petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

December 02, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No