

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

CR No.5 of 2020

Date of decision: 13th March, 2020

Amarjit Singh

... Petitioner

Versus

Union of India

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. P.S. Walia, Advocate for

Mr. Karaminder Singh, Advocate for the respondent.

FATEH DEEP SINGH, J.

Heard Mr. Somesh Gupta, Advocate for the petitioner;
Mr. P.S. Walia, Advocate appearing on behalf of Mr. Karaminder Singh,
Advocate for the respondent and perused the records.

The present revisionist Amarjit Singh had lodged a claim against the Union of India on account of Railway accident that took place on 06.12.2017 resulting in death of his young unmarried bachelor son. The Railway Claims Tribunal, Chandigarh Bench, Chandigarh vide impugned award dated 28.02.2019 awarded a sum of ₹8.00 lacs as compensation along with simple interest at the rate of 6% per annum from the date of award till actual payment is made however, a rider was placed in the award which is reproduced as below to lay emphasis:-

“However, out of the aforesaid compensation amount payable to the applicant, initially, only 20% of the

compensation amount along with interest accrued thereon shall be paid to him immediately and rest of the entire amount together with interest accrued thereon shall be invested in the fixed deposit in his favour in the same bank for a period of five years with liberty to him to withdraw quarterly interest thereon. On maturity, the applicant shall be entitled to withdraw the amount without permission of the Court.”

The present revision is only to the extent that since the petitioner happens to be aged person, 55 years old, and in his old age needs money as there is no one to look after his upkeep and maintenance and has sought modification of the award to that extent that payment of compensation be made in toto.

Mr. P.S. Walia, Advocate appearing on behalf of Mr.Karaminder Singh, learned counsel for the respondent though does not displace the findings of the award but has opposed the relief on the grounds that the same was simplicitor to prevent any wrong doings in depriving the claimants of their hard-earned compensation by machination.

Admittedly the revisionist petitioner is around 55 years of age and the very purpose of compensation is to assuage the feelings of wrong done and to tide over the period of financial hardship. However at the same time, the Courts have to be wary of deceptive elements in the system who may be prying on this compensation with an oblique motive.

To meet the ends of justice, this Court feels that since the revisionist has

received initially 20% of the compensation amount of ₹ 8.00 along with interest, it would be suffice to order that out of the balance amount of 80% residual award amount half i.e. 50% be allowed to be withdrawn from the FDR which has been ordered to be made in the name of the petitioner. In the light of the same, the present petition stands allowed and directions are issued to the concerned Bank to comply with the same.

Disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 13, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No