

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

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**RA-CR-158-CII-2018 in
FAO No.1779 of 2014
Decided on : 13.01.2020**

Har Parshad Nanda

... Non-applicant/Appellant

Versus

Union of India

... Review applicant/Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sanyam Malhotra, Advocate
for the review-applicant/respondent.

Mr. Rakesh Kumar Sharma, Advocate
for the non-applicant/appellant.

G.S. Sandhawalia, J. (Oral)

Review application has been filed qua the order dated 03.07.2018 by the Railways on account of ₹4 lakhs having been awarded on account of the appellant having lost his leg due to the injury suffered while travelling in a train. It was, accordingly, held that on account of traumatic amputation of left leg below knee, which was a scheduled injury as per the Schedule attached to the rules, the appellant was entitled to the said amount along with interest @ 6% from the date of the accident as per the judgment of the Apex Court passed in '**Union of India Vs. Rina Devi**' 2018 AIR (SC) 2362.

Counsel for the review applicant has submitted that as per the Schedule under the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, the amount liable to be granted, under Clause 22 for amputation below knee with stump exceeding 5" is ₹3,20,000/-. Reference is also made to Ex.P6 to show that there was an injury at the ankle level. It is further submitted that as per the judgment passed in **Rina Devi (supra)**, which has been followed by the Apex Court in '**Union of India Vs. Radha Yadav**' 2019 AIR (SC) 1410, the higher of the two figures is to be paid, if reasonable amount of interest is calculated.

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It is further submitted that before the amendment ₹1,60,000/- was payable and after the amendment which came into force from 01.01.2017 ₹3,20,000/- is payable. Even if interest @ 6% or 8% is calculated from the date of accident i.e. 15.03.2010 on ₹1,60,000/- the interest element would not increase over ₹3,20,000/- and, therefore, higher of the two amounts i.e. ₹3,20,000/- would be payable.

Counsel for the claimant could not dispute the above said legal and factual aspects and, therefore, a error as such has occurred while allowing the appeal.

Accordingly, the review application is partly allowed to the extent that order dated 03.07.2018 shall read as the entitlement of the appellant to be ₹3,20,000/- without interest. It is not disputed that a sum of ₹1,60,000/- has already been paid through RTGS to the appellant, in pursuance of earlier interim order dated 23.01.2019. The balance amount be also transferred in the account of the appellant by the same mode within a period of 2 months from the receipt of the certified copy of this order.

The review application stands partly allowed, accordingly.

JANUARY 13, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No