

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

**1. CM-4085-CII-2020 in/and
RA-CR-46-2020 in FAO-2037-2019
Date of decision : January 25, 2021**

Amarjeet Singh and another Appellants/non-applicants

Versus

Union of India Applicant/respondent

**2. CM-8399-CII-2020 in/and
RA-CR-109-2020 in FAO-7092-2019**

Veena Devi and another Appellants/non-applicants

Versus

Union of India Applicant/respondent

**3. CM-8414-CII-2020 in/and
RA-CR-110-2020 in FAO-5760-2019**

Ramesh Yadav Appellant/non-applicant

Versus

Union of India and others Applicant/respondent

**4. CM-8729-CII-2020 in/and
RA-CR-126-2020 in FAO-2046-2019**

Pauriya Thelcho and others Appellants/non-applicants

Versus

Union of India Applicant/respondent

**5. CM-8454-CII-2020 in/and
RA-CR-112-2020 in FAO-5732-2019**

Motia Rani Appellant/non-applicant

Versus

Union of India Applicant/respondent

**6. CM-8456-CII-2020 in/and
RA-CR-113-2020 in FAO-7112-2019**

Parvati and others Appellants/non-applicants

Versus

Union of India Applicant/respondent

**7. CM-8721-CII-2020 in/and
RA-CR-118-2020 in FAO-3084-2019**

Kavita Devi and others Appellants/non-applicants

Versus

Union of India Applicant/respondent

**8. CM-8720-CII-2020 in/and
RA-CR-117-2020 in FAO-3461-2019**

Monika Sharma and another Appellants/non-applicants

Versus

Union of India Applicant/respondent

**9. CM-8722-CII-2020 in/and
RA-CR-119-2020 in FAO-3097-2019**

Ghooro Bai and others Appellants/non-applicants

Versus

Union of India and another Applicant/respondent

- 10. CM-8728-CII-2020 in/and
RA-CR-125-2020 in FAO-3065-2019**
- Mahabir @ Mahabir Parsad and another Appellants/non-applicants**
- Versus**
- Union of India Applicant/respondent**
- 11. CM-8453-CII-2020 in/and
RA-CR-111-2020 in FAO-7093-2019**
- Sarup Singh and others Appellants/non-applicants**
- Versus**
- Union of India and another Applicants/respondents**
- 12. CM-8482-CII-2020 in/and
RA-CR-114-2020 in FAO-5745-2019**
- Dhani Ram and another Appellant/non-applicant**
- Versus**
- Union of India Applicant/respondent**
- 13. CM-8727-CII-2020 in/and
RA-CR-124-2020 in FAO-3244-2019**
- Pritam Kaur and others Appellants/non-applicants**
- Versus**
- Union of India Applicant/respondent**
- 14. CM-8725-CII-2020 in/and
RA-CR-122-2020 in FAO-5731-2019**
- Rupnarayan Raut and another Appellants/non-applicants**
- Versus**
- Union of India Applicant/respondent**

**15. CM-8726-CII-2020 in/and
RA-CR-123-2020 in FAO-3225-2019**

Munni Devi and others Appellants/non-applicants

Versus

Union of India Applicant/respondent

**16. CM-8719-CII-2020 in/and
RA-CR-116-2020 in FAO-5206-2019**

Hiran Kumari and others Appellant/non-applicant

Versus

Union of India and others Applicant/respondents

**17. CM-8724-CII-2020 in/and
RA-CR-121-2020 in FAO-3288-2019**

Soni @ Soni Begum and others Appellants/non-applicants

Versus

Union of India Applicant/respondent

**18. CM-8718-CII-2020 in/and
RA-CR-115-2020 in FAO-3273-2019**

Mohan Ram and another Appellants/non-applicants

Versus

Union of India Applicant/respondent

**19. CM-8723-CII-2020 in/and
RA-CR-120-2020 in FAO-3289-2019**

Chandra Kanta and others Appellants/non-applicants

Versus

Union of India Applicant/respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

RAJBIR SEHRAWAT, J. (ORAL)

This common order disposes of the aforesaid 19 review applications, arising out of the same judgment/order.

Delay Applications

For the reasons mentioned in the applications, delay in filing the review applications is condoned.

Applications stand disposed of.

Review applications

Applicant-respondent/UOI has filed the present applications for reviewing the order dated 04.09.2019 passed in FAO No.2037 of 2019 along with other connected cases.

As the record would reveal, the matter was taken up as a bunch in case of FAO No.2037 of 2019, titled as ***“Amarjeet Singh and another v Union of India through General Manager”***, and was decided on 04.09.2019 by passing the order; which is sought to be reviewed. The order reveals an appreciation of the issue involved; by the Hon'ble Judge who had decided the cases. Now the review has been prayed for on the ground that; subsequently; the Rules called 'Railway Accidents and Untoward Incidents (Compensation) Rules, 2020 have come into existence. As per the Rules, the

lump-sum release of the amount to the claimant(s) could not have been ordered by this Court except in case where exigency is claimed and established by the claimant(s). It is further submitted by the counsel for the applicant-respondent that although the Rules were framed in the year 2020, however, the judgment of Delhi High Court was already existing; which had provided for annuity scheme for payment of compensation to the claimant(s) only in monthly installments, by keeping the major corpus of the compensation amount in the bank accounts for six years. Therefore, the order deserves to be reviewed; and the amount should be ordered to be released in monthly installments as per the scheme finalized under the Rules *ibid*. It is also submitted by the counsel for the applicant-respondent that earlier, when the matter was considered by this Court, the applicants were not served with any notice. Hence the order was passed without hearing the applicants, except in case of **Amarjeet Singh's** case (*supra*).

Having considered the submissions made by counsel for the applicant-respondent, this Court does not find the arguments of the counsel for the applicant-respondent to be sustainable. It is obvious that the order sought to be reviewed was passed on 04.09.2019. The statutory Rules have been framed only thereafter. Therefore, subsequent framing of the Rules to the contrary; cannot be a ground for review of an order which was passed by this Court prior to framing of that Rules. Although counsel for the applicant-respondent has submitted that even before the Rules were framed by the applicant-respondent, there was a judgment passed by Delhi High Court to the effect that instead of making the lump-sum payment, the

amount has to be disbursed only in monthly installments spread over six years, therefore, this Court should not have ordered lump-sum payment, however, even this argument of the counsel for the applicant-respondent does not find favour with this Court. Any judgment of Delhi High Court can, at the best, be of some persuasive value and would not be binding upon this Court, by any means. In any case, even the stage of such persuasive value of the judgment of the High Court is already gone. Now, it is the review which is under consideration. Hence any judgment passed by Delhi High Court is totally irrelevant for the purpose of review of a judgment passed by this Court. Otherwise also, a perusal of the order sought to be reviewed shows that the Hon'ble Judge had passed the order after having a reference to the judgments of the Hon'ble Supreme Court. Even if, the applicant-respondent has a different understanding of the conclusion arrived at in the order under review, that could be, at the best, a ground for appeal against the same. In the garb of review, the applicant-respondent cannot be permitted to re-argue the matter.

Although, the counsel for the applicant-respondent has also submitted that the applicant-respondent was not served with the notice in these cases, however, the order shows that the applicant-respondent was duly represented in case of **Amarjeet Singh's** case (*supra*). The other cases were heard and decided along with that case; as a bunch; resulting into the order qua which the review is sought. Once the applicant-respondent was very much present and heard in one case, then it cannot be heard to say that it was not supposed to be present in other cases which were decided on the

same day by the same Hon'ble Judge of this court. Hence even this argument of counsel for the applicant-respondent is totally irrelevant for the purpose of the present applications.

In view of the above, finding no merits in the aforesaid applications, the same are dismissed.

**(RAJBIR SEHRAWAT)
JUDGE**

January 25, 2021

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Whether speaking / reasoned Yes

Whether Reportable: No