

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203 - CR-2241-2020 (O&M)

Date of Decision: 04.01.2021

Banvari Lal & Ors.

... Petitioners

VS.

UOI & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Narender Kaajla, Advocate for the petitioners

Mr. Karminder Singh, Advocate for respondent No.1

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner Banvari Lal and 2 others have filed the present revision petition *inter alia*, praying for modification of the judgment dated 09.05.2019 whereby the learned Railway Claims Tribunal, Chandigarh has ordered only to release 15% share of the awarded amount in cash to petitioners No.1&2 and rest of the amount of compensation has been fixed in annuity scheme.

Record shows that notice of motion in this case was issued on 10.09.2020.

On behalf of respondent No.1, short reply has been filed wherein reference has been made to Section 23 of the Railway Claims Tribunal Act, 1987 to submit that the impugned order dated 09.05.2019 is appealable. It has been further submitted that the Coordinate Bench of this Court has taken a view that revision is not maintainable.

Learned counsel for the petitioners, however, submits that there are judgments/orders based upon which the revision is being entertained by

this Court as well. He, however, does not dispute that under Section 23 of the Act, the appeal has been provided. He submits that the said jurisdiction can also be entertained by this Court.

Without going into the merits of this case, this Court deems it appropriate to dispose of the petition with the following directions:-

- (i) the petitioners may file appeal before the Appellate Authority and on the filing of the same, the respondents (as submitted by its learned counsel) will not take any objection of limitation.
- (ii) it is directed that the interim prayer of the petitioners to release the whole or part of the compensation to the petitioners (i.e. 85% of the share) forthwith, without insisting upon the directions as contained in the order dated 09.05.2019, be decided within one month from the date of filing of the appeal.
- (iii) it is further directed that the appeal so filed be also decided as expeditiously as possible preferably within six months from the date of filing.

With these observations and directions, the revision petition stands disposed of.

04.01.2021

vishal shonkar

1. Whether speaking/reasoned?
2. Whether reportable?

(Girish Agnihotri)
Judge

Yes/No
Yes/No