

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : April 08, 2021

- 1. Civil Revision No. 3730 of 2019 (O&M)
Anju and others versus Union of India**
- 2. Civil Revision No. 5210 of 2019 (O&M)
Purani Devi and anr versus Union of India**
- 3. Civil Revision No. 5239 of 2019 (O&M)
Rekha and others versus Union of India**
- 4. Civil Revision No. 5138 of 2019 (O&M)
Chotki and others versus Union of India**
- 5. Civil Revision No. 5070 of 2019 (O&M)
Parasnath and others versus Union of India**
- 6. Civil Revision No. 5067 of 2019 (O&M)
Rukman Bai Patidar versus Union of India**
- 7. Civil Revision No. 5062 of 2019 (O&M)
Saraswati versus Union of India**
- 8. Civil Revision No. 5047 of 2019 (O&M)
Nirmala Devi versus Union of India**
- 9. Civil Revision No. 5044 of 2019 (O&M)
Jeeti Kaur @ Manjit Kaur and others versus Union of India**
- 10. Civil Revision No. 5012 of 2019 (O&M)
Mamta Devi and ors versus Union of India**
- 11. Civil Revision No. 5009 of 2019 (O&M)
Mashooda Begum versus Union of India**

- 12. Civil Revision No. 4976 of 2019 (O&M)**
Gurvinder Singh and anr. versus Union of India
- 13. Civil Revision No. 5081 of 2019 (O&M)**
Pawan Kumar versus Union of India
- 14. Civil Revision No. 5013 of 2019 (O&M)**
Shankuntala Shankar Lal Yadav versus Union of India
- 15. Civil Revision No. 5068 of 2019 (O&M)**
Saina Devi and another versus Union of India
- 16. Civil Revision No. 5069 of 2019 (O&M)**
Babu @ Babu Ram and anr versus Union of India

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jagmohan Bansal, Advocate, for the petitioners

Mr. Sanyam Malhotra, Advocate, for the respondent-UOI

Fateh Deep Singh, J. (Oral)

The above detailed 16 civil revision petitions being of similar nature wherein common question of law is involved are being taken up together and disposed off by this common judgment.

The brief background of this matter is that the then claimants present petitioners filed before the learned Railway Claims Tribunal (in short, the Tribunal) claim applications seeking compensation on account of death of their bread earners in a

Railway accident. The Tribunal passed award on different dates, whereby the claimants present petitioners were granted different compensation along with simple interest @ 9% per annum from the date of the accident till the date of payment and had proportionately divided amongst the various claimants their respective shares which is well elicited in the respective orders of the learned Tribunal. However, along with the same, the Tribunal had placed a rider that the amount shall be invested by way of FDRs for lock-in period of three years in favour of the respective claimants irrespective of their age and necessity and who shall be at liberty to withdraw the quarterly interest thereon. The same is subject matter of challenge in the instant petitions.

There has been vociferous arguments by the two sides and Mr. Jagmohan Bansal, learned counsel for the petitioners has placed reliance on **Amarjeet Singh and another vs Union of India, CM-4085-CII-2020 in/and RA-CR-46-2020 in FAO-2037-2019, decided on 25.1.2021; Manjinder Singh vs Union of India, CM-8041-CII-2020 IN RA-CR-102-2020 IN CR-5641-2019, decided on 8.2.2021; Sudesh Kumari vs Union of India, CR-5656-2019 decided on 11.9.2019; Raj Kumar vs Union of India, CR-3644-2019, decided 31.5.2019; Sahjadi Khatoon and others vs Union**

of India, CR-493-2020 decided on 27.1.2020 and to counter it, counsel for the respondents have cited **M.R.Krishna Murthi vs The New India Assurance Co. Ltd. And others, Civil Appeal Nos. 2476-2477 of 2019 decided on 5.3.2019; Roshan Lal and another vs Union of India and others, CR-2268-2020 decided on 2.12.2020**, whereby the main thrust is whether a revision lies against such an award or not for which much debate has arisen over the provisions of Section 23 of the Railway Claims Tribunal Act, 1987 (in short, the Act).

Section 23 of the Act provides that an appeal shall lie from every order, not being an interlocutory order, of the Claims Tribunal, having jurisdiction over the place where the Bench is located. In the present revision petition, the petitioners do not challenge the very award itself or its insufficiency over grant of compensation to them. What is there in the present controversy is the denial by the Tribunal of disbursing the compensation so awarded immediately to the claimants, heirs of the deceased. The very wording of Section 23 of the Act provides that an appeal shall lie against final order and not an interlocutory order. The claim petitions have been finally disposed off and adjudicated and it is the very rider that has been placed therein that the claimants shall not

get money immediately which is subject matter of anguish for the petitioners. One needs to be aware of the fact that every order in a suit cannot be regarded as a decided. Since the proceedings have earlier culminated into passing of award which has been accepted by the petitioners and has become final and it is the very rider therein which needs to be adjudicated. More-so, the very aim and object of award of compensation is based on compassion for the betterment of the dependents and cannot so strictly be construed so as to defeat the very purpose of the award of compensation. The Tribunal had been magnanimous to award a meager compensation to the claimants which has not been challenged nor disputed. The part of the order paying the amount of compensation by way of FDRs is a stipulation which has serious ramifications on the future of the claimants. Some of the claimants are already senior citizens while the then minors have attained the majority, the widows who have to pull through their life without their bread earners certainly requires such compensation to assuage their feelings of wrong done and help them tide over the hard days in running the household and upbringing their children and so the old parents, the dependents who need money for their upkeep as well as nursing of ill health. So this Court in view of the previous views of this Court in **Amarjeet Singh**

and another vs Union of India, Manjinder Singh vs Union of India, Sudesh Kumari vs Union of India, Raj Kumar vs Union of India, Sahjadi Khatoon and others vs Union of India (supra) and feels that the Courts should not fall prey to such technical issues and it would be in furtherance of law and its very purpose, if the Court allows the present petitions and direct the concerned Banks to immediately release the amount along with interest that has accumulated thereon over a period of time to the legitimate claimants as per their share in the award amount upon proper identification as per rules. All the revision petitions stand allowed accordingly.

April 08, 2021

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**(Fateh Deep Singh)
Judge**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>