

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

214

**FAO-2977-2020**

**Decided on : 24.02.2021**

Nanku

... Appellant

Versus

Union of India & others

... Respondents

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

Present: Mr.Narender Kaajla, Advocate, for the appellant.

Mr.Karminder Singh, Advocate, for respondent No.1.

(The proceedings are being conducted through video conferencing,  
as per instructions.)

**G.S. Sandhawal, J. (Oral)**

Challenge in the present appeal is to the order dated 17.07.2020 passed by the Railway Claims Tribunal, Chandigarh Bench, to the limited extent that out of the amount of Rs.2,00,000/- awarded to the appellant-Nanku, only a sum of Rs.20,000/- has been disbursed to him and the remaining amount of Rs.1,80,000/- along with interest was directed to be kept in Fixed Deposit receipt for a period of 3 years i.e. till 17.07.2023 and liberty had been given to withdraw monthly interest therein.

Counsel for the appellant submits that the death of wife of the appellant, namely Dhamak Devi @ Rajwanti was while travelling on the train. The 3 minor children who were also claimants before the Tribunal have also been awarded a sum of Rs.2,00,000/- each which has been kept in a Fixed Deposit Receipt under the guardianship of their father till they attain the age of majority. It is submitted that the balance amount of Rs.1,80,000/- is required for maintaining the children and also for utilizing the said amount for their benefit.

The said prayer has been opposed by counsel for respondent No.1 on the ground that in case of illiteracy and the rules having been amended on 03.06.2020 and other disabling factors impairing the judicious use of such sums awarded to the claimants, directions for disbursement of the award in terms of annuities, fixed deposit and other suitable mode subserve the ends of justice.

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Counsel for the appellant has also brought to the notice of this Court the judgment passed by this Court in **FAO-2565-2017** titled *Anita & others Vs. Union of India*, decided on 03.10.2018 wherein also similar issue had arisen. This Court had, while noticing that on an earlier occasion, in General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas AIR 1994 SC 1631, the Apex Court had issued directions to the Tribunals to put the awarded amount in fixed deposits.

Thereafter, in A.V. Padma & others Vs. R.Venugopal & others 2012 (1) SCR 437, the said judgment had been diluted and it was noticed that Tribunals were mechanically putting compensation in long-term fixed deposits without having regard to the age or fiscal background or the strata of the society to which the claimants belong. Resultantly, the appeal was allowed and it was directed that the balance amount be released by way of RTGS transfer to the bank account of the wife of the deceased who was about 47 years of age and the appellants were also 22 and 19 years of age at the time of filing the claim petition in 2013 and therefore, locking of the compensation amount vide the impugned order dated 08.03.2017 was held not to be justified.

In the present case also, the appellant is aged around 44 years and is a mature person and is entitled to utilize the sum of Rs.1,80,000/-, which is locked up and was granted to him after a 5 years long legal battle.

Accordingly, in view of the above discussion, the present appeal is allowed and the order of the Tribunal dated 17.07.2020 is modified to that extent that the amount of Rs.1,80,000/- be released by way of RTGS in the bank account of the appellant.

**FEBRUARY 24, 2021**

*sailesh*

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

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No