(Heard through Video Conferencing)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **FAO-3928 of 2018 (O&M)**
DATE OF DECISION: 06.04.2021

Union of India

…Appellant

Versus

Rekha and another

…Respondents

2. **FAO-4803 of 2018 (O&M)**

Union of India

…Appellant

Versus

Babu Ram and another

…Respondents

3. **FAO-5763 of 2018 (O&M)**

Union of India

…Appellant

Versus

Jaswant and another

…Respondents

4. **FAO-5988 of 2018 (O&M)**

Union of India

…Appellant

Versus

Savitri Devi and another

…Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Argued by: Mr. K.K. Kahlon, Advocate, and
Mr. Vikas Chatrath, Advocate,
for the appellants.

Mr. Anand Singh, Advocate,
for respondents No.1 to 5.

Mr. Upender Prashar, Advocate,
for respondents No.1 to 3 in FAO-5988-2018

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ARUN MONGA, J.

This common order will also dispose of FAO Nos.3928/2018, 4803/2018, 5763/2018 and 5988/2018 as the facts are analogous except for names, dates, relationship of the respondent/claimants with the deceased victim of the untoward incident and questions for adjudication are the same.

Facts are being taken from FAO Nos.4803/2018.

Impugned herein is the judgment dated 28.03.2018 passed by the learned Railway Claims Tribunal, Chandigarh (hereafter referred to as the Tribunal), directing the appellant to pay to the respondents a compensation of Rs. 8 lakhs with interest @ 6% per annum from 08.01.2016 (the date of filing the claim application) till the date of the impugned order.

2. The claim arose out of an untoward incident dated 27.11.2015 resulting into the death of Shri Vazir Singh. His widow Rekha aged 33 years, four minor children and parents filed the claim petition, which culminated into the impugned award.

3. Learned counsel for the appellant argued that as per the norms prevailing at the relevant time the prescribed rate of compensation in such cases was Rs. 4 lakhs and yet the learned Tribunal wrongly awarded compensation of Rs. 8 lakhs and that it also erred in further awarding interest on the compensation amount.

4. Learned counsel for the respondents has defended the award.

5. I have heard the learned counsel for parties with their able assistance gone through the record.

6. Admittedly, the schedule to the Railway Accidents and Untoward, Incidents (Compensating) Rules, 1990 fixing the amount of

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compensation was amended with effect from 01.01.2017, revising the amount of compensation in such cases from Rs. 4 lakhs and to Rs. 8 lakhs.

7. In ***Union of India v. Rina Devi 2018(3) RCR(Civil) 40*****,** the Hon'ble Supreme Court of India held as under:

> "*15. We now propose to deal with the following issues seriatim:*
>
> *(i) Whether quantum of compensation should be as per the prescribed rate of compensation as on the date of application/incident or on the date of order awarding compensation:*
>
> *Xxx xxxx*
>
> ***Re(i) Quantum of compensation***
>
> *Xxx xxxx*
>
> *15.4 Accordingly, we conclude that the compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such orders has expired. This order will not by itself be a ground for condonation of delay. Seeming conflict in Rathi Menon (supra) and Kalandi Charan Sahoo (supra) stands explained accordingly. The 4-Judge Bench judgment in Pratap Narain Singh Deo (supra) holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and to give effect to the beneficial legislation, if compensation as provided on the date of the award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.*
>
> *Xxx xxxxxxx"*

8. It is obvious that at the time of passing the judgment in Rina Devi (supra), the Hon'ble Apex Court took into account the element of past interest, while extending the benefit of revised higher compensation in those cases also which pertained to the period prior to 01.01.2017, but were then pending or had not attained finality, and which would otherwise attract the unrevised lower rate of compensation.

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9. In present case, the claim application was filed on 08.01.2016. Impugned judgment was rendered on 26.03.2018. In the meantime, the amended schedule came to effect from 01.01.2017, revising the amount of compensation in such cases from Rs. 4 lakhs and to Rs. 8 lakhs. If interest @ 6% from the date of filing of the claim application as awarded by the learned Tribunal or even from the earlier date of untoward incident is added to the then prescribed rate of compensation of Rs 4 lakhs in the un-revised schedule, the total would be less than Rs. 8 lakhs. This being the situation and in view of the judgment ibid, I am of the opinion that the learned Tribunal rightly awarded the compensation of Rs. 8 lakhs. Even if the claimants would have sought compensation of Rs. 4 lakhs, the same would be inconsequential.

10. However, for the reasons stated above, I am of the opinion that the learned Tribunal erred in further awarding interest on Rs. 8 lakhs from 08.01.2016 (the date of filing the claim application) till the date of the impugned order.

11. None-the-less, it is necessary in the interest of justice that appropriate provision be made by the Court to ensure expeditious payment of compensation amount to the respondents. Section 34 of the Code of Civil Procedure contains general provision for future interest in money decrees.

12. As a result, it is directed that the amount of compensation of Rs. 8 lakhs be paid in equal shares to the respondents within two months from the receipt of certified copy of the order, otherwise the same shall bear interest @ 9% per annum from the date of this order.

13. The impugned order/award is modified and appeal is disposed of accordingly.

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14. Pending applications, if any, stand also disposed of.

(ARUN MONGA)
06.04.2021 **JUDGE**
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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