

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.116 of 2018

Smt. Sapna Sharma wife of Late Satyendra Kumar Sharma resident of village/Mohalla - Kautilya Nagar, Raja Bazar near P.V.B. College, PS Hawai Adda, Distt Patna Bihar.

... .. Appellant/s

Versus

The Union Of India, Through The General Manager, East Central Railway, Hazipur

... .. Respondent/s

Appearance :

For the Appellant/s : None.

For the Respondent/s : Mr.Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 12-12-2022

No one appears on behalf of the appellant.

2. Mr. Manoj Kumar Singh, learned counsel represents the Railways.

3. The present appeal is directed against the order dated 21.12.2017 passed in Case No. REV/27/2017 arising out of MA(OA) No. 0081/2010 by the learned Chairman, RCT/DLI at RCT/Patna and the learned Member (Technical) RCT/Patna by which the original order dated 21.11.2016 was modified and interest amount was reduced.

4. The main contention of the appellant in the



petition was that before passing the aforesaid order, she was not noticed and as such, the order needs interference.

5. Mr. Manoj Kumar Singh, learned counsel for the Railways submits that a perusal of the notice would show that Mr. Arvind Kumar who was the Lawyer for the concerned appellant before the concerned Court, had received the notice on 19.12.2017 but failed to appear on 21.12.2017 and as such, the said contention is fit to be rejected.

6. However, learned counsel for the Railways concede on the point that in view of the Gazette Notification issued by the Ministry of Railways dated 22.12.2016 for death, the amount has been increased to Rs. 8 lakh and as such to end the confusion on the interest point, the amount can be enhanced to Rs. 8 lakh if the amount so calculated is less than the amount awarded in view of Apex Court decision in **Union of India Vs. Dilip and Others** reported in **SCC Online SC 2119**.

7. Taking into account the aforesaid facts, the order dated 21.11.2016 as also the order dated 21.12.2017 are modified to the extent that the appellant shall be entitled to Rs. 8 lakh if the amount awarded with interest is



less than it.

8. The amount that has already been disbursed shall be deducted from Rs. 8 lakh. If however, it is found that Rs. 4 lakh awarded along with the interest amount is more than Rs. 8 lakh, the amount already paid, shall not be recovered from the appellant.

9. With the aforesaid observations, the appeal stands disposed of.

(Rajiv Roy, J)

Ravi/Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2022
Transmission Date	NA

