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AKG 07-04-2022
Ct.21

FMAT 197 of 2021
With
IA No. CAN 1/2021
With
CAN 2/2022 (Not Found)
Renu Begum & Ors.
Versus
Union of India

Sk. Abbas Uddin,
Ms. Nahid Rahman
...for the Appellants
Mr. Debasish Chattopadhyay
...for the South Eastern Railway

Parties are represented by their respective lawyers.
Learned advocate for the appellants files affidavit of
service showing service upon the learned advocate for
the respondent. Let it be retained in the record.

The appeal is taken up for hearing along with CAN
1/2021.

By filing CAN 1/2021, the appellant has prayed for
condonation of delay of 84 days. It has been alleged
that due to the pandemic situation, they could not file
appeal in time. The impugned judgment and award
dated 31.10.2019 was modified on 18.08.2020.

Considering the above facts the delay in filing the
appeal is condoned and the appeal is admitted.

Accordingly, CAN 1/2021 is disposed of.

The present appeal is directed against the
judgment and order passed by Railway Claims
Tribunal, Calcutta in Claim Application No. OA
(IIU)/Kol/2011/0588 on 31.10.2019, whereby the
Tribunal has been pleased to award death

compensation to the tune of Rs. 8,00,000/-.

In the appeal, the main ground of challenge is not awarding interest on the awarded amount.

Therefore, in the present appeal only question that requires determination is whether the award is bad for not awarding interest on the compensation amount?

It is admitted fact that in view of the amendment in Rule 4 of the Railway Accidents and Untoward Incidents (Compensation), Rules 1990 in the year, 2017, claimants are entitled to get fixed amount of Rs. 8,00,000/- towards death compensation.

The Hon'ble Supreme Court in Civil Appeal No. 4945/2018 between Union of India and Rina Devi has been pleased to hold that compensation payable under Section 124A of the Railway Act, 1989 is liable to interest from the date of accident till the payment at such rate as may be considered just and fair from time to time. The rate of interest applicable in Motor Accident Claims Case can be held to be reasonable and fair.

The award under challenge is silent about payment interest on the awarded compensation money. Therefore, in view of the above referred decision, this Court holds that the appellants/ claimants are entitled to get interest on the awarded compensation. Therefore, this Court awards interest @ 5% per annum on the awarded compensation money from the date of

accident which took place on 21.07.2011 till payment. Therefore, impugned award under challenge stands modified. Claimants are entitled to get interest @ 5% per annum from the date of accident, which took place on 21.07.2011 till the date of payment of awarded compensation of Rs.8,00,000/-. The Railway is directed to make payment of interest on the awarded compensation within three months from the date hereof failing which the claimants shall be at liberty to realize the same as per law.

Accordingly, **FMAT 197 of 2021** is disposed of.

Interim order, if any, stands vacated.

Connected applications, if any, also stand disposed of.

There shall be no order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, be applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)