

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.628 of 2014

Gouranga Bhua

....

Appellant

Ms.Deepali Mohapatra, Advocate

-versus-

Union of India

....

Respondent

Mr.P.S.Nayak, C.G.C.

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
21.12.2022**

Order No.

6.

1. The matter is taken up through Hybrid mode.
2. Heard Ms.Mohapatra, learned counsel for the Insurer-Appellant and Mr.Nayak, learned Central Government Counsel for Union of India.
3. Present appeal is directed in respect of the impugned judgment/award dated 17th July, 2014 passed by the Railway Claims Tribunal, Bhubaneswar Bench, in Case No. OA/IIu/2012/0086, wherein the Tribunal has granted Rs.2,40,000/- for one injury.
4. Ms.Mohapatra submits that, undisputedly, the claimant sustained two injuries (one on his left leg and another on his left hand), but the Tribunal has failed to grant any compensation in respect of the injury sustained in the left hand.

5. Upon hearing Mr.Nayak, learned counsel for the Respondent and perusal of the impugned judgment, it reveals that as per the discharge certificate, the claimant sustained Traumatic Amputation of left leg and left thumb as well as left index finger. The Tribunal has though observed the same in the body of the judgment under Issue No.2 & 3, but while determining compensation under Issue No.4, has counted the amputation of left leg from knee only and granted Rs.2,40,000/- as compensation as per the schedule. As per Serial No.9 of Part-III of the Schedule to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, Rs.80,000/- is prescribed for injury of loss of two fingers in hand.

6. Thus keeping in view the undisputed fact of sustenance of further injury by the claimant in his left hand and the loss of two fingers, a further compensation of Rs.80,000/- is granted in favour of the claimant-Appellant along with interest @6% per annum from the date of accident.

7. In the result, the appeal is allowed and the Respondent-Union of India is directed to pay further compensation of Rs.80,000/- (Eighty thousand) along with interest @6% per annum from the date of accident to the Appellant by depositing the same before the Tribunal within a period of two months from today, which shall be disbursed in favour of the claimant by keeping 50% of the same in fixed deposit in the name of the Appellant separately in any Nationalized Bank for a period of five years.

8. Copy of the discharge certificate and other documents filed by Mr.Nayak are kept on record.

9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

CRBiswal

