

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.179 of 2022

Saraswati Das and Others

....

Appellants

Mr. Satyaban Sahoo, Advocate

-versus-

***Union of India represented through its
General Manager, East Coast Railway,
Bhubaneswar and Another***

....

Respondents

Mr. Alok Mohanty, C.G.C.

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

15.11.2022

Order No.

- 02.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. S. Sahoo, learned counsel for the Appellants and Mr. A. Mohanty, learned Central Government Counsel for Respondent - Union of India.
 3. Present appeal by the claimants is directed against the impugned judgment dated 25th April, 2022 of learned Member (Technical), Railway Claims Tribunal, Bhubaneswar Bench passed in OA(IIU)/101/2018.
 4. The Appellants are aggrieved by the direction of the tribunal regarding mode of deposit of the compensation amount. Mr. Sahoo, learned counsel for the Appellant also submits that the direction of the tribunal giving Rs.50,000/- to the father of the deceased, namely Gahma Das, who was treated as applicant No.5 in the impugned

judgment despite the contentions of the applicants that he was not a dependent being found missing and having been not heard of more than 15 years, is unsustainable.

5. Challenge in the present appeal regarding mode of deposit is squarely covered by the decision of this court rendered in FAO No.262 of 2020 and batch, disposed of on 9th September, 2021.

6. Accordingly, the direction of the tribunal is modified in terms of the principles decided in the aforesaid decision of this court to the effect that, the entire compensation amount paid in favour of claimant – Appellants No.1 and 4, namely Saraswati Das and Ujali Das be disbursed in their favour by keeping 50% of the amount fall due to them in separate fixed deposits in any Nationalized bank for a period of five years. The amount fall due to the share of the minor claimant – Appellant No.2 and 3, namely, Sujita Das and Suraj Das be kept in fixed deposits for a period of five years or till they attain majority, whichever is later.

7. So far as the direction of the tribunal regarding grant of compensation to the tune of Rs.50,000/- given in favour of the father – Gahma Das is concerned, no illegality is seen in the approach of the tribunal keeping in view the definition of dependents contained in Section 123(b) of the Railways Act. However, since the uncontroverted fact remains that the father is not heard of and missing for last 15 years, the direction of the tribunal is modified to the extent that the amount of Rs.50,000/- to be kept in suitor's account for a period of three years, shall be transferred to the account of the mother, namely Ujali Das (Applicant No.4) in case no claim is raised by said Gahma Das (Applicant No.5) within three years. In case said Gahma

Das appears within three years, the amount shall be transferred to his account in terms of the direction of the tribunal.

8. With aforesaid observations and directions, the appeal is disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

