

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No. 593 of 2020

Malati Sahoo & Others ***Appellants***

Mr. D. Mund, Advocate

-versus-

Presiding Officer, Railway ***Respondents***
Claims Tribunal & Another

Mr. Amitav Pradhan, CGC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

Order
No.

ORDER
12.04.2022

1. 1. Heard Mr. D. Mund, learned counsel for the appellants and Mr. A. Pradhan, learned Central Government Counsel for the Railway-Respondent
2. 2. This appeal is filed by the Claimants, who are the wife, son and mother of the deceased Akshay Sahoo, under Section 23 of the Railway Claims Tribunal Act, 1987 (for short 'the Act, 1987') being aggrieved by the judgment and award dated 4th December, 2019 passed by the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar (for short, 'the learned Tribunal') in O.A. No.259 of 2016 assailing the mode of payment of compensation amount.

3. At the outset, learned counsel for the parties submit that the legal issue involved in this appeal is similar to FAO No.262 of 2020 and batch of appeals disposed of by this Court vide judgment dated 9th September, 2021 and the present Appeal may be disposed of in the light of the said judgment.

4. Mr. A. Pradhan, learned Central Government Counsel for the Railway-Respondent, however, submits that although the facts and law involved in this case is similar, but Claimants should approach learned Tribunal by filing appropriate application for variation in the condition and mode of payment of the compensation amount. In that event, learned Tribunal will be in a position to pass necessary orders on their application.

5. Mr. D. Mund, learned counsel for the Appellants submits that since Railway could not produce any material before the learned Tribunal to justify restriction in disbursement of compensation, remittance of the matter to learned Tribunal will be an empty formality only, and thereby the claimant(s) will be highly prejudiced. It appears from the impugned award that learned Tribunal has not assigned any reason for not disbursing the entire awarded amount in favour of the Claimants instead of directing a major portion to be deposited

in a fixed deposit scheme. It appears that the Claimants/Appellants No.1 & 3 being the legal heirs of deceased Akshay Sahoo are major and do not have either any physical or mental disability. As such, the case of the Appellant Nos. 1 and 3 is squarely covered by the ratio decided in the aforesaid batch of appeals.

6. The appellant No.2 being a minor, learned Tribunal has rightly directed for deposit of his share in fixed deposit and this Court is not inclined to interfere with the same. But since Respondent Nos.1 & 3 are major, learned Tribunal is directed to disburse the entire share as allowed in favour of the said appellants.

7. Accordingly, it is directed that learned Tribunal shall disburse the awarded amount so awarded in favour of Appellant Nos.1 and 3 by liquidating the fixed deposits, if any, to the claimant(s) on proper identification, as expeditiously as possible preferably within a period of one month from the date of filing of an application along with certified copy of this order following due procedure of law. The Claimant(s)/Appellant(s) is/are directed to submit his/her (their) A/c details of any nationalized bank as per the requirement along with

the application form for disbursal of the compensation amount, as aforesaid.

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

(Biraja Prasanna Satapathy)
Judge

sangita

