

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.627 of 2016

Smt. Pratima Chetri and Others

....

Appellants

Mr. D. Mund, Advocate

-versus-

***Union of India represented through its
General Manager, South Eastern
Railway, Kolkata***

....

Respondents

Mr. D.R. Bhokta, C.G.C.

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

18.11.2022

Order No.

- 03.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. D. Mund, learned counsel for the claimant - Appellants and Mr. D.R. Bhokta, learned Central Government Counsel for Respondent - Union of India.
 3. Present appeal by the claimants is directed against the impugned judgment dated 23rd September, 2016 of learned Railway Claims Tribunal, Bhubaneswar Bench passed in OA(IIU)/BBS/2011/0075, wherein compensation to the tune of Rs.4,00,000/- along with interest @ 6% per annum from 14th August, 2014, instead of the date of accident, has been granted.
 4. Mr. Mund contends that the tribunal has erroneously directed payment of interest from 14th August, 2014, i.e. the date when South Eastern Railway has been impleaded by way of amendment.

5. Hon'ble Supreme Court in the case of ***Union of India v. Rina Devi, (2019) 3 SCC 572*** has observed as follows:-

“19. Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in ***Rathi Menon v. Union of India, (2001) 3SCC 714*** and ***Kalandi Charan Sahoo v. South-East Central Railways, (2019) 12 SCC 387*** stands explained accordingly. The four-Judge Bench judgment in ***Pratap Narain Singh Deo v. Srinivas Sabata, (1976) 1 SCC 289*** holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.”

6. In the instant case, it is seen that initially the claim application was filed impleading Eastern Railway as a party, but subsequently it was amended as South Eastern Railway. When the law is settled that the claimant is entitled for interest from the date of accident, this technical reason as assigned by the tribunal to refuse grant of compensation from the date of accident, is found untenable. Accordingly, the direction of the tribunal to that effect is set aside and interest on the compensation amount is granted from the date of accident.

7. Accordingly, the Respondent – Union of India is directed to calculate interest on the compensation amount from the date of accident and pay the balance amount within a period of three months from today.

8. With the aforesaid observation and direction the appeal is disposed of.

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

(B.P. Routray)
Judge