IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 214 of 2021

Nabin Majhi .... ***Appellant***

-versus-

Union of India .... ***Respondent***

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
04.04.2022

Order No.

2. **1.** This matter is taken up through Hybrid mode.

2. This appeal is filed by the Claimant, who is the son of deceased Sal Majhi @ Bhima Majhi, under Section 23 of the Railway Claims Tribunal Act, 1987 (for short 'the Act, 1987') being aggrieved by the judgment and award dated 1st April, 2021 passed by the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar (for short, 'the learned Tribunal') in OA No.311 of 2017 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 Nos.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. P.S.Nayak, learned Senior Panel Counsel for the Railways-Respondent, however, submits that although the facts and law involved in this case is similar, but Claimant 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. Mishra, learned counsel for the Appellant submits that since Railways 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 Claimant

instead of directing a major portion to be deposited in a fixed deposit scheme. It appears that the Claimant/Appellant being the son of deceased Sal Majhi @ Bhima Majhi is major and does not have either any physical or mental disability. As such, the case of the Appellant is squarely covered by the ratio decided in the aforesaid batch of appeals.

6. Hence, this Appeal is disposed of in terms of the judgment and order passed on 9th September, 2021 by this Court, as aforesaid, operative portion of which is quoted herein below for reference and convenience of the parties.

> *"18. In that view of the matter, all the appeals are allowed and learned Tribunal is directed to disburse the awarded amount by liquidating the fixed deposits, if any, to the claimants 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. In the circumstances, there shall be no order as to cost."*

7. Accordingly, it is directed that learned Tribunal shall disburse the awarded amount 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

Subrat

HIGH COURT
सत्यमेव जयते
ORISSA