

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-2474-2020(O&M)

Date of decision:-20.12.2022

Narender Kaur

...Petitioner

Versus

Union of India through its General Manager Northern Railway, New
Delhi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Parminder Singh, Advocate
for the petitioner.

Mr.S.K. Sharma, Advocate
for respondent No.1.

H.S. MADAAN, J.

1. Briefly stated, facts of the case are that on account of death of Dilbag Singh on 21.8.2017, which took place on account of fall from the moving train at KM No.139/1-3 (between Nilokheri & Amin Railway Stations), the legal representatives of the deceased, namely, Jagir Singh and three others had brought an application under Section 16 of The Railway Claims Tribunal Act, 1987 read with Section 124-A of the Railways Act, 1989 before Railway Claims Tribunal, Chandigarh Bench, Chandigarh seeking compensation of Rs.20 lakhs along with interest. The Union of India through its General Manager, Northern Railway, New Delhi was impleaded as a respondent in that application. The respondent put in appearance and contested the application praying for its dismissal. Following issues were framed:

1. Whether the deceased was a bonafide passenger of train at the time

of incident?

- 2. Whether the alleged incident is covered within the ambit of Section 123(c)(2) read with Section 124-A of the Railways Act?*
- 3. Whether the applicants are the sole dependents of the deceased?*
- 4. Relief.*

2. The parties were afforded adequate opportunities to lead evidence. After hearing arguments, the Tribunal gave issue-wise findings and awarded compensation of Rs.8 lakhs with interest @ 6% per annum from the date of accident till the date of order to all the four claimants in equal shares. It was directed that in order to prevent the misuse of compensation amount by some unscrupulous elements and sometimes by middlemen, a special arrangement is made in reference to judgment of Delhi High Court approved by the Apex Court relating to Annuity Deposit Scheme.

3. The claimant Narender Kaur is feeling aggrieved by such direction and has filed the present revision petition contending that an amount of Rs.2,083/- per month has been ordered to be released in favour of the petitioner, which is very meagre amount considering the joint family of the petitioner; the petitioner is unable to repay the loan or use the amount for the marriage of her daughter or on study of her children. It is further contended that compensation amount, which is lying deposited with Punjab National Bank, Kheri Shaefali be ordered to be released in favour of the petitioner since she requires the amount to return the loan amount to Moothoot Finance Ltd. and to use money for looking after and

welfare of her children; the finance company is charging interest @ 26% per annum, whereas the petitioner is getting interest @ 4.5% per month.

4. Notice of that revision petition was given to respondents and respondent No.1 put in appearance through counsel.

5. I have heard learned counsel for the parties besides going through the record.

6. I find that considering the facts and circumstances of the case, the requirement of petitioner for money appears to be genuine and not having any element of mala fide. It is her consistent stand that she wants money for the bringing up and welfare of her children and to repay the loan raised from a finance company, which is charging exorbitant rate of interest. This Court can certainly examine the legality and validity of the orders passed by the Tribunals within its jurisdiction while exercising the powers under Article 227 of the Constitution of India. Such direction issued qua petitioners/claimants is not found to be proper and appropriate and is rather liable to be set aside. It is so done accordingly. Resultantly, Punjab National Bank, Kheri Shaefali is directed to release the entire amount belonging to the petitioner/claimant at the earliest.

7. The revision petition is allowed accordingly.

20.12.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No