

CR-280-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-280-2022 (O&M)
Decided on : 16.12.2023

Shobha Devi and others

. . . Petitioner(s)

Versus

Union of India

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parminder Singh, Advocate
for the applicant-petitioner(s).

Mr. Indresh Goel, Sr. Panel Counsel
for the non-applicant/respondent.

SANJAY VASHISTH, J. (Oral)

CM-22902-CII-2023

I. Present application has been filed under Section 151 CPC, seeking pre-ponement of the date of hearing in the main case i.e. CR-280-2022, which is fixed for 09.05.2024.

II. Notice of this application to the non-applicant/respondent.

III. Mr. Indresh Goel, Sr. Panel Counsel, puts in appearance on behalf of the non-applicant/respondent, and raises no objection in allowing the prayer made in the application by the applicants-petitioners.

IV. In view of above, prayer made in the application is allowed. Accordingly, date of hearing in the main case i.e. CR-280-2022, is advanced from 09.05.2024 to 16.12.2023 i.e. today itself.

CM stands disposed of.

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1. Present revision petition has been filed, challenging the order

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dated 01.07.2021 (Annexure P-3), passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short 'Ld. Railway Tribunal'), whereby, application of the petitioners for release of the amount, has been dismissed.

2. Vide award/judgment dated 23rd July, 2020, Ld. Railway Tribunal, decided the application for claiming compensation, filed by the applicant – Shobha Devi (petitioner No.1 herein) on account of death of her son in rail accident on dated 10.06.2018. Ld. Tribunal awarded an amount of Rs.5,00,000/-, in favour of the applicant – Shobha Devi, while other applicants namely; Rekha, Abha and third one (unmarried sisters of deceased), were awarded the compensation to the tune of Rs.1,00,000/- (each) along with simple interest @ 9% per annum, from the date of incident till the date of actual payment. The relevant extracted part of the said order is reproduced here-under:-

“In the result, the claim application is, hereby, allowed and an award for Rs.8,00,000/- (Rupees Eight Lacs only), along with simple interest @ 9% per annum from the date of incident till the date of actual payment, is made in favour of the applicant and three unmarried sisters at the time of incident, namely, Rekha, Abha and third one, in the manner that applicant-Shobha Devi (mother of the deceased), who is an old aged lady and has no source of income and has to get her unmarried daughters married, shall received Rs.5,00,000/- (Rupees Five lakhs only), whereas, the three unmarried sisters of the deceased, namely, Rekha, Abha and third one, shall receive Rs.1,00,000/- (Rupees One lakh only), each.”

3. While deciding the mode of payment, Ld. Railway Tribunal directed that applicant – Shobha Devi and her three unmarried daughters shall be permitted to withdraw 10% out of their share from the total awarded compensation amount, and rest of their share amount shall be invested in a

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Nationalized Bank in term deposit, for a period of three years. The appropriate interest accrued to their individual FDRs shall be paid to them individually, every month.

Operative part of the mode of payment, as awarded by Ld. Railway Tribunal, is reproduced here-under:-

“(i) The applicant- Shobha Devi and his three unmarried daughters, named above, shall be permitted to withdraw 10% out of their share in total awarded compensation amount and rest of their share amount shall be invested in a Nationalized Bank in Term Deposit for a period of three years. The proportionate interest accrued upon their individual FDRs shall be paid to them individually every month.”

4. After few months, i.e. on 09.03.2021, applicants (petitioners) moved an application in the claim petition, for issuance of necessary direction to release the amount along with interest. The prayer made in the application is as under:-

“It is, therefore, prayed that the necessary direction may kindly be issued to the respondent to release the amount along with interest of the applicant No.(1) Shobha Devi, (2) Shilpi Soni (3) Abha Soni (4) Rekha Soni. An affidavit in support of application is enclosed herewith.”

5. Said application has been dismissed by the Ld. Railway Tribunal, by holding that *“no genuine reason or reasonable justification for the release of the amount, has been given in the application”*.

6. While assailing the said order dated 01.07.2021 (P-3), counsel for the petitioners submits that as on date, the required three years period for the term deposit of the FDRs is over, and still, the amount has not been paid

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to the applicants and her other sisters (petitioners herein).

7. Counsel for the petitioners submits that to the knowledge of the petitioners, the amount is lying before the Ld. Railway Tribunal, since, the date of award and same has never been deposited in the Nationalized Bank by way of FDRs, in the name of the petitioners.

8. This Court is of the view that impugned order dated 01.07.2021 (P-3), passed by the Ld. Railway Tribunal, is justified, because same has been passed on the basis of the direction passed in the award dated 23.07.2020, by the Ld. Railway Tribunal, in the claim application/petition.

Counsel for the petitioners could not point out any illegality in the same. Besides, no other specific point is argued by counsel for the petitioners, for the purpose of pointing out any error in the impugned order. Thus, present revision petition is **dismissed**.

However, applicants and her other sisters (petitioners herein) in the claim petition would be at liberty to move an appropriate application before the Ld. Railway Tribunal, afresh for release of the compensation amount, and said application would be decided in accordance with law, and the directions passed by the Ld. Railway Tribunal, in its award dated 23.07.2020, within a period of two weeks thereafter.

Disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

December 16, 2023

J.Ram

Whether speaking/reasoned: ✓ *Yes*/~~No~~

Whether Reportable: ✓ *Yes*/~~No~~