

240+101**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**FAO-4833-2018 (O&M)
Date of decision: 11.12.2023

Union of India

...Appellant

Versus

Gurmukh Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. H.S. Oberoi, Advocate for the appellant.

KARAMJIT SINGH, J. (ORAL)

1. The present appeal has been filed by appellant against the judgment dated 24.04.2018 passed by Railway Claims Tribunal, Chandigarh Bench (in short the Tribunal), directing the appellant to pay to respondents a compensation of Rs.8 lacs with interest at rate of 6% per annum from the date of filing of the claim application till the date of award and interest at the rate of 9% per annum from the date of award till its payment.

2. The claim in this case arose out of untoward incident which took place on 04.09.2015, which resulted in death of Amarjit Kaur @ Parkash Kaur wife of respondent No.1 and mother of respondents No.2 to 4.

3. The counsel for the appellant argued that the Tribunal erred in holding that the appellant is liable to pay the compensation and that against the claim of compensation of Rs.4 lacs, the Tribunal wrongly awarded compensation of Rs.8 lacs and that it also wrongly awarded interest on the

amount of compensation.

4. There is no representation on behalf of the respondents.

5. I have considered the submissions made by the counsel for the appellant.

6. The Tribunal passed the impugned order after going through the entire evidence led by the parties. The Tribunal after making proper appreciation of the evidence rightly held that the deceased was bonafide passenger and he boarded a train from Ferozepur to Mallanwala after purchasing a traveling ticket and during the said journey, the deceased fell down from a running train and died at the spot and the traveling ticket was lost during the said incident. I also concur with the said findings recorded by the Tribunal.

7. As regard the quantum of compensation, the schedule to the Railway Accident and Untoward Incident (compensating) Rules 1990 fixing the amount of compensation was amended w.e.f. 01.01.2017 revising the amount of compensation in such cases from Rs.4 lacs to Rs.8 lacs.

8. The co-ordinate Bench of this Court in FAO-3972 of 2018 Union of India Vs. Sube Singh and another decided on 06.04.2021 in a case relating to Railway Accident dated 24.06.2016 wherein the claims Tribunal granted compensation of Rs.8 lacs with interest at rate of 6% per annum from 12.08.2016 (the date of the filing of the claim application) till the date of impugned order(10.04.2018)) while disposing of the appeal filed by Union of India upheld amount of compensation worth Rs.8 lacs and further gave direction that the same be paid within next 2 months from the receipt of the certified copy of this order, otherwise the same shall bear interest at

rate of 9% per annum from the date of this order. Accordingly, impugned order/award was modified.

9. In the instant case, the counsel appearing on behalf of the appellant has failed to show any illegality or perversity in the aforesaid order dated 06.04.2021 passed by the co-ordinate Bench of this Court, in light of the ratio laid down by Hon'ble Apex Court in Union of India Vs. Rina Devi 2018 (3) RCR Civil 40.

10. In view of the above, the present appeal is disposed of and the impugned judgment dated 24.04.2018 is hereby modified to the effect that appellant is directed to pay amount of compensation of Rs.8 lacs to the respondents as per their shares detailed in the judgment dated 24.04.2018, within 2 months from the receipt of certified copy of this order, otherwise the same shall bear interest at rate of 9% per annum from the date of the present order.

11. All the pending miscellaneous applications, if any, shall stand disposed of.

11.12.2023

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**