



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 197 OF 2024
IN FA/2775/2018

Sunanda Nana Chavan And Another

...Applicants

VERSUS

Union Of India
Through The General Manager
Central Railway Mumbai

...Respondent

.....
Mr. D.A. Madake, Advocate for applicants
Mr. S.S. Deve, Advocate for respondent
.....

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 4th OCTOBER, 2024

ORDER :

1. This application filed by applicants/original claimants seeks review of the order dated 19.06.2024 passed in First Appeal No. 2775 of 2018 whereby first appeal filed by applicants was allowed in terms of claim filed by them before Railway Claims Tribunal.

2. Heard learned advocate for applicants and learned advocate for the respondent. Perused the application and documents annexed thereto.

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3. Learned advocate for applicants pointed out that Central Government has issued notification on 22.12.2016, thereby amending Rule 4 of Railway Accidents and Untoward Incidents (Compensation) Rules, 2016, and enhancing amount of compensation from Rs. 4 Lakhs to 8 Lakhs. He further points out that in the cause title of first appeal he has mentioned original claim as Rs. 4 Lakhs and enhanced claim as Rs. 8 Lakhs in terms of amendment in the Rule. Though this Court has allowed the first appeal, however, claimants are awarded compensation of Rs. 4 Lakhs as claimed by them in the claim petition filed before the Railway Claims Tribunal, which according to him should be Rs. 8,00,000/- plus interest.

4. Learned advocate for the Railways has vehemently opposed the application stating that since applicants have claimed only Rs. 4,00,000/- before the Tribunal, they are not entitled to claim Rs. 8,00,000/- as the accident was of the year 2014 and no ground is made out by applicants for review of the order.

5. There is merit in the contention of applicants that in fact they are entitled for compensation of Rs. 8,00,000/- in terms of amended Rule 4.

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6. This Court in First Appeal No. 1095 of 2018, in similar circumstances has observed thus;

"15. Here, in this case, the untoward incident had taken place in the intervening night of 0305 2014 to 04052014 and, therefore, compensation that was claimed was to the tune of Rs. 4,00,000/-. However, Ministry of Railways by notification dated 22nd December 2016, enhanced compensation for death to the tune of Rs. 8,00,000/-. The petition claiming compensation was filed on 10-11-2014 and it was decided on 10-11-2017 by the Tribunal. Under such circumstance, taking into consideration the date of making order for payment of compensation i.e. today, the notification which has come in force on 22nd December 2016, is required to be made applicable in view of the above said pronouncements by the Hon'ble Supreme Court and in view of the decision in Thazhathe Purayil Sarabi's case (supra), interest that is required to be granted is 6 % simple interest per annum from the date of the application till the date of award and thereafter at the rate of 9 % per annum till the date of actual payment of the same. Taking into consideration these reasons, the appeal deserves to be allowed."

7. In view of above observations and the amendment in the Rules, claimants are entitled for enhanced compensation of Rs. 8,00,000/- along with interest.

8. In the result, application is allowed.

9. Clause III of the order dated 19.06.2024 is reviewed and it is hereby ordered that applicants are entitled for

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compensation of Rs. 8,00,000/- along with interest @ 6% p.a. from the date of filing of application till the award and @ 9% till realization.

10. Respondent/Railways to deposit amount of compensation along with interest in the Railway Claims Tribunal, within 12 weeks from today.

[NITIN B. SURYAWANSHI, J.]