IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.23 OF 2023.

Gulchandra S/O. Marappa Kamble And Anr. … Appellants.
Versus

Union Of India Thr. The General Manager … Respondent.

WITH
FIRST APPEAL NO.651 OF 2024.

Mr. Sadashiv Bhikaji Pokale And Ors. … Appellants.
Versus

Union Of India Thr. The General Manager … Respondent.

WITH
FIRST APPEAL NO.1038 OF 2023.

Ramdas Shivram Varadkar And Ors. … Appellants.
Versus

Union Of India Thr. The General Manager … Respondent.

WITH
FIRST APPEAL NO.991 OF 2024.

Tulshiram S/O. Ladu Mungekar … Appellant.
Versus

Union of India Thr. The General Manager … Respondent.

Mr. Vasant N. More for the appellants.
Ms. Leena Patil for the respondent.

Coram : Sharmila U. Deshmukh, J.
Date : 2nd July, 2024.

P. C. :

1. By the present appeals, the challenge is to the judgment and award of the Railway Claims Tribunal by which after disbursing certain amount from the total awarded compensation, the remaining amount was directed to be invested in the Bank in favour of the appellants in the form of Fixed Deposit on the conditions mentioned in the impugned judgment.

2. Learned counsel for the appellant would submit that as the appellants were major, the entire amount should have been disbursed and not deposited in the Fixed Deposit Schemes.

3. Perusal of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 would indicate that Rule 5 was inserted by an amendment dated 3rd June 2020 by which in order to protect the sum awarded to the claimant having regard to the illiteracy and other disabling factors, the Tribunal was enjoined to issue directions for disbursing the compensation awarded in terms of annuities, fixed deposits or other suitable modes which subserves justice.

4. Perusal of the impugned judgment indicates that the balance amount has been invested in annuity scheme on similar line as MACAD, 50% of the amount has been invested in annuity scheme on similar line as MACAD with monthly payment of Rs.5000/- each to the appellants till the whole deposit along with the accrued interest is exhausted.

5. The directions which are issued by the Tribunal have been rightly issued for the purpose of protecting the appellants from exploitation at the hands of unscrupulous elements. The same is also in consonance with Rule 5 of the Compensation Rules of 1990.

6. Submissions of learned counsel for the appellant is that certain amount may be released for the appellants to meet their exigencies. In that context Rule 5.3 of the Rules of 1990 provides for a Tribunal to make modification of the mode of disbursal for reasons to be stated in writing depending on the situations warranting liquidation of any corpus created for annuity or premature closure of the Fixed Deposit for the benefit of the claimant. It is thus open for the appellants to approach the Tribunal and make necessary application for modification stating the exigencies and the reasons for which the liquidation of the corpus created for annuity or pre-mature closure of the Fixed Deposit is warranted.

7. Learned counsel appearing for the appellants would submit that an appropriate application will be filed before the Tribunal seeking modification in the disbursal as provided under Rule 5.3 of the Rules of 1990. If aforesaid application is being made, the Tribunal is directed to decide the same on its own merits and in accordance with law.

8. Appeals stand disposed of in the above terms. In view of disposal of appeals, Interim/Civil Applications, if any, do not survive for consideration and stand disposed of.

[Sharmila U. Deshmukh, J.]