



CR-1497-2023

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

(118)

CR-1497-2023

Date of Decision: 01.08.2024

Shiv Ji Chaudhary and another

.....Petitioners

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rahul, Advocate,
Mr. Mukul Singla, Advocate, for the petitioners.

Mr. Somesh Gupta, Advocate,
Senior Panel Counsel, UOI.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition, prayer has been made for seeking modification of order/Award dated 13.12.2022 passed by the Railway Calims Tribunal, Chandigarh in OA/IIu/CDG/2022/23 to the extant that the amount of compensation awarded in favour of petitioners be disbursed to them instead of keeping it in fixed deposit.

2. Briefly stating, on account of unfortunate demise of their son namely Pintu Kumar in an untoward incident dated 31.07.2021 while travelling in a passenger train, the aforementioned claim petition came to be filed at the instance of petitioners before the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as "The Tribunal"). The Tribunal though awarded compensation to the tune of Rs.8,00,000/- to the petitioners along with interest @ 9% p.a., from the date of incident, however, directed that 90% of the compensation amount be kept in fixed deposit in the name of petitioners/claimants for a period of 3 years.

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Aggrieved against the aforesaid stipulation in the Award dated

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13.12.2022, present revision petition has been filed.

4. Learned counsel for the petitioners submits that the said condition imposed by the learned Tribunal about making of FDR of 90% of the compensation amount was wholly uncalled for as the petitioners/appellants being dependents upon their deceased son always remained in dire need of money. On the other hand, learned counsel representing respondent submits that the impugned direction warrants no interference.

5. I have heard learned counsel for the parties and gone through the paper book.

6. In the given facts and circumstances, when both the claimants/petitioners happened to be major being parents of deceased, there was no justification at all for the Tribunal to have imposed condition of deposit of 90% of the compensation amount in the shape of FDR. The condition being wholly uncalled for and against the interest of claimants/petitioners who were entitled for release of compensation being dependents the entire amount of compensation granted vide Award dated 13.12.2002 is ordered to be released in favour of petitioners/claimants with immediate effect along with interest accrued thereupon.

7. In view of the above, the present revision petition is disposed of in terms of the above.

(HARKESH MANUJA)
JUDGE

01.08.2024

anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No