

[125.20] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2742-1999 (O&M)

Reserved on 30.08.2024

Pronounced on 29.11.2024

Kanta Bashambu and others

...Appellants

versus

Union of India

....Respondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. R.K. Bashamboo, Advocate
for the appellants.

Mr. Aditya Dassaur, Advocate
for respondent No.1-UOI.

PANKAJ JAIN, J. (ORAL)

[1] This is an appeal against the order passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh dated: 04.03.1999 seeking enhancement of the compensation awarded by the Tribunal.

[2] The claimants filed an application seeking compensation of Rs.10,00,000/- on account of untoward incident of the deceased on 26.07.1997. The pleaded facts of the case are that on 26.07.1997, the deceased was in the process of entering the bogie when suddenly, the driver of the train started the train without giving any whistle at the Kurukshetra Railway Station and because of it the deceased fell and got crushed under the train no.4647.

[3] The claim petition was contested by the Railways. They denied that the deceased was a bonafide passenger and that he died in an untoward incident. The Tribunal decided the issues in favour of the claimants. Compensation of Rs 2,00,000/- was awarded.

[4] Counsel for the appellant/claimant contends that the tribunal erred in awarding compensation of Rs.2,00,000/-. No interest was granted. The same being in the teeth of law laid down by ‘*Union of India vs Rina Devi*’, 2019 (3) SCC 572 can not be sustained.

[5] I have heard both the parties and carefully gone through the records of the case.

[6] The accident relates to the year 1997. Hence, the appeal is **allowed**. The railways are directed to pay the claimants enhanced compensation amount of Rs.4,00,000/- in terms of the Railway Accident and untoward Incident Rules, along with Interest @ 9%.

(PANKAJ JAIN)
JUDGE

29.11.2024
'R. Sharma'

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