

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.1095 of 2001

Date of Decision: 23.04.2024

Satyapal Singh Negi

...Appellant

Versus

Union of India

...Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. A.D.S. Sukhija, Advocate
for the appellant.

Mr. Somesh Gupta, Senior Panel Counsel,
for the respondent-UI.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved and dis-satisfied with the judgment rendered by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') on 09.01.2001, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been awarded total compensation to the tune of Rs.1,25,000/-, i.e Rs.1.2 lac for the injuries sustained by him and Rs.5,000/- for the loss of luggage, in a rail accident, along-with interest @ 12% per annum from the date of filing of the Claim Application till the payment of the above-said amount, he has preferred the instant appeal for seeking the enhancement in the amount of compensation.

2. Bereft of the unnecessary details, the facts, as emanating from the perusal of the file and culminating in the filing of the present appeal, are that the claimant filed the afore-referred Claim Application for seeking

compensation from the respondent, while averring that he was an Army personnel and on 26.11.1998, he was travelling from Jammu Tawi to Saharanpur in the train and when it (train) reached near Khanna, it met with an accident, resulting into the injuries on his person and also the loss of his luggage. The respondent filed its written-statement, contesting the claim of the claimant therein, on various grounds. Then, the parties had been put to the trial by framing the issues and after appreciating and evaluating the evidence, led by them on the record and hearing their learned counsel, the Tribunal has allowed the above-said Claim Application vide the impugned judgment and has awarded the compensation to the claimant, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the appellant-claimant as well as learned Senior Panel Counsel for the respondent-UOI in the instant appeal and have also gone through the file carefully.

4. Learned counsel for the claimant contends that the claimant had suffered permanent disability due to the injuries as sustained by him in the afore-mentioned accident but the Tribunal has granted a meagre amount of Rs.1,20,000/- to him as compensation on this score and similarly, a sum of Rs.5,000/- only, has been awarded to him towards the loss of his luggage and the same is also inadequate and in these circumstances, it becomes explicit that the claimant is entitled to the enhancement in the amount of compensation on both the above-referred counts.

5. Per-contra, learned Senior Panel counsel for the respondent argues that the claimant had not led any cogent evidence on the record to prove/show that he had been discharged from the Army on account of his afore-said disability and the value of the luggage, as alleged to have been

lost in the above-mentioned accident, was beyond Rs.5,000/- and it being so, it is crystal clear that the claimant has already been granted sufficient amount as compensation and therefore, he does not have any occasion to ask for any further enhancement in the same.

6. It is pertinent to mention here that while returning the findings on issues No.2 and 3, the Tribunal has categorically observed that the Medical-Certificate of the claimant, i.e Exhibit A-2, showed that he had sustained spine injury in the train accident and was treated conservatively, with no neurological deficit and had been advised not to lift heavy weight and to bend forward and though as per his Disability-Certificate Exhibit A-3, he had become permanently disabled due to the afore-referred injury and was unable to perform his routine duties as an Army personnel but no evidence had been produced on the record so as to infer that he had to leave the Army because of the above-said disability and even otherwise, it could not be held that he had been deprived of the capacity to do any work within the meaning of Railway Accident & Untoward Incidents (Compensation) Rules, 1991 and the compensation had to be awarded in accordance with the afore-referred Rules and the fracture of spine was listed at Sr. No.26 in the list of the injuries in Part III of the Schedule, appended to these Rules which provided for the grant of compensation of Rs.1.2 lac for such injury and hence, the claimant could not claim any higher compensation for the same. As regards the compensation granted to the claimant towards the loss of luggage, it is again worth-while to point it out here that the Tribunal has also specifically mentioned in the impugned judgment that no evidence had been led by him (claimant) regarding the actual cost thereof (luggage). The claimant has not been able to come forward with any cogent and candid

reason/ground to show as to how the above-discussed findings are factually or legally incorrect or are perverse in any manner.

7. As a sequel to the fore-going discussion, it follows that the impugned judgment, as handed down by the Tribunal, does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the same is upheld and the appeal in hand, being *sans* any merit, stands dismissed accordingly.

23.04.2024
neetu

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>