

FAO-4174-2024 (O&M)

2024.PHHC:116781



FAO-4201-2024 (O&M)

2024.PHHC:116783



FAO-4207-2024 (O&M)

2024.PHHC:116790



FAO-4214-2024 (O&M)

2024.PHHC:116793



FAO-4215-2024 (O&M)

2024.PHHC:116803



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 06.09.2024

112 **FAO-4174-2024 (O&M)**
RAVINDRA KUMAR RAY AND ANR Appellants

Versus

UNION OF INDIA Respondent

113 **FAO-4201-2024 (O&M)**
SATVIR SINGH AND OTHERS Appellants

Versus

UNION OF INDIA Respondent

114 **FAO-4207-2024 (O&M)**
SARABJIT KAUR AND OTHERS Appellants

Versus

UNION OF INDIA Respondent

115 **FAO-4214-2024 (O&M)**
SURESH SADA Appellant

Versus

UNION OF INDIA Respondent

116 **FAO-4215-2024 (O&M)**
DHARMINDER TIWARI ALIAS KUMAR Appellant
Versus

UNION OF INDIA Respondent

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2024.PHHC:116803



CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ujval Mittal, Adocate
for the appellants in FAO-4174-2024 and FAO-4215-2024.

Mr. Arnav Kumar, Advocate
for respondent/UOI in FAO-4207-2024 and FAO-4214-2024.

Mr. Kinshuk Nanda, Advocate
for respondent/UOI in FAO-4215-2024.

Mr. Navjit Singh, Central Govt. Counsel
for respondent/Union of India.

Mr. Ravinder Pal Singh, Sr. Panel Counsel
for respondent/Union of India.

PANKAJ JAIN, J. (ORAL)

This order shall dispose off above mentioned five appeals.

2. These five appeals are directed against the award passed by the
Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

3. The grievance of the appellants is only to the extent that the
Tribunal ought not have ordered the money to be kept in fixed deposits and
should have rather ordered release thereof.

4. Counsels for the respondent-Union of India do not have any
objection.

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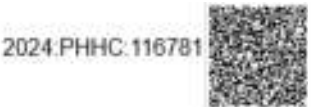
5. This Court while dealing with the same issue in **CR No.493-2020** titled as **Sahjadi Khatoon & ors. vs. Union of India** vide order dated 27.01.2020 observed as under :-

“4. To retrieve the part compensation, the earned counsel for the petitioner places reliance on Rani's case (supra). At any rate, it is well-settled in law that where the right to money is based on final decree and the original owner has the choice of appropriation of compensation in the manner he regards best in the interest of that person, the money deposited by the judgment debtor has to be handed over to the award-holder without placing any riders thereon. It is trite law that once compensation amount is awarded by the court, it should go to the claimant. No one can question a major person of sound mind entitled to an adjudicated amount of compensation in an award which has become final, suspecting how the money would be put to use by the rightful owner. This is not the business of the Tribunal. This court hopes that such litigation should not come to it again.”

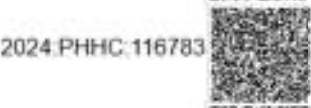
6. In view of above, this Court finds that the Tribunal at the first instance ought not have raised clog over the rights of the claimants. The claimants having been awarded compensation have unfettered right to use the money.

7. In view of above, the condition imposed by the Tribunal with respect to deposit of the money in the Fixed Deposit is hereby set aside.

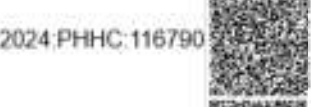
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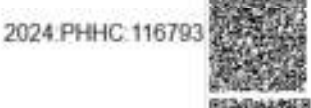
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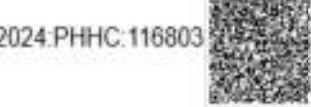
FAO-4207-2024 (O&M)



FAO-4214-2024 (O&M)



FAO-4215-2024 (O&M)



Compensation amount to the appellants along with the interest earned thereon is ordered to be released forthwith.

- 8. All five appeals stand disposed off accordingly.
- 9. Since the main appeals have been decided, pending application(s), if any, shall also stand disposed off.
- 10. A copy of this order be kept on the files of other connected cases.

September 06, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No