IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-4932-2024 (O&M)
Date of decision : 22.11.2024

Gurmej Singh and another **....Appellants**

Versus

Union of India and another **....Respondents**

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ujval Mittal, Advocate
for the appellants.

Mr. Narender Kumar Vashisht, Senior Panel Counsel
for the respondent-UOI.

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PANKAJ JAIN, J. (ORAL)

CM-18600-CII-2024

Allowed as prayed for.

CM-18601-CII-2024

This is an application for condonation of delay of 504 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 504 days in filing the appeal stands condoned.

Main Appeal

1. The appellants are aggrieved of the part of the order passed by the Tribunal whereby 90% of the compensation amount awarded by the Tribunal has been ordered to be kept in fixed deposits in the name of the

claimants even though appellants are major. The issue with respect to directions being issued by the Tribunal directing the compensation amount to be kept in fixed deposits has been elaborately dealt with by this Court in the case of **Kamaljit Kaur and others Vs. Union of India** bearing FAO No.4331 of 2024 decided on 12.09.2024 wherein this Court observed as under:

> "9. Thus, in view of aforesaid decisions, it is evident that the guidelines issued by Apex Court in the case of General Manager, Kerala State Road Transport Corporation's *ibid*, were issued to protect the rights of the claimants, who are :
>
> a) the minors;
>
> b) under some disability; and
>
> c) widows and illiterate persons
>
> i.e. those who apprehend threat at the hands of unscrupulous elements and lack fiscal discipline.
>
> 10. The guidelines are not to be interpreted like statute but need to be followed in a more pragmatic manner. The Tribunals are right in ordering investment of compensation in Fixed Deposits in the case where a claimant is prone to being robbed off the compensation awarded. Thus, the broad parameters that can be laid down are that the Tribunals should order Fixed Deposits only in those cases where:
>
> (a) the claimant is a minor. From awarded compensation the share of the minor should be ordered to be invested in Fixed Deposits till he/she attains the age of majority or till the parents/guardians show pressing need to spend the amount for the benefit of minor;
>
> (b) where the claimant is a physically disabled person owing to some disability arising out of birth, injury or extremely old age and the Tribunal is satisfied that the claimant will not be able to protect his/her money from unscrupulous elements; and
>
> (c) where future treatment of the claimant needs to be taken care of by spending amount of compensation.

The list is merely illustrative and not exhaustive. In cases where claimants are major and there is no apprehension that they may fall prey to unscrupulous elements or touts/unethical arrangements etc., the amount need not be invested in Fixed Deposits.

11. In view of aforesaid parameters laid down by this Court, the appeals are allowed. However, in appeals bearing bearing FAO Nos.4331 & 4333 of 2024, wherein the claimant(s) are minors and in view of the fact that their interest needs to be taken care of, the compensation amount of the minors is ordered to be kept in fixed deposits till he/she attains the age of majority or till the parents/guardians exhibit pressing need to take care of the expenses for the betterment of the minors.

2. The present appeal is thus disposed off in the aforesaid terms. Impugned order dated 27.02.2023 passed by the Railway Claims Tribunal, Chandigarh is modified to the extent that the amount awarded to the claimants is ordered to be released.

3. Copy of this order be served upon RCT Bench Chandigarh for necessary guidance.

22.11.2024 **(PANKAJ JAIN)**
Dinesh **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No