

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.712 of 2019

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Santosh Das, Son of Ram Vilash Das, resident of Nari Kala, P.O.- Narikhurd,
P.S.- Tisiauta, District- Vaishali (Bihar).

... .. Appellant/s

Versus

The Union of India, Through the General Manager, E.C. Railway, Hajipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pravin Kumar Gupta, Adv
For the Respondent/s : Mr. Sanjeet Kumar, CGC

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

8 10-04-2025 Heard learned counsel for the appellant and learned
counsel for the respondent.

2. The present miscellaneous appeal is directed against the order dated 24.05.2019 passed by Railway Claims Tribunal, Chandigarh Bench(present) Patna Bench, in Claims Application No. OA00364 of 2015, whereby and whereunder, the claim application of the appellant was allowed directed to respondent to pay the compensation amount and it was further directed to fix deposit the 90% amount of the compensation of the major person appellants for five years.

3. The facts of the case, in brief is that the appellant was traveling as a bona-fide passenger having second class travelling ticket dated 10.02.2015 from Muzaffarpur to Sonapur by Train No. 14015-Up. Sadbhawna Exp. and in course of entering into the said train, he fell down from the said running train near Hajipur Station because of heavy crowded passenger as well as jerk of the train and



thereafter, he become senseless due to heavy injury sustained by him, and thereafter, he came in sense and found himself on the Bed No. 3, Rajendra Surgical T.V Ward, PMCH, Patna, and thereafter, on the basis of memo, Station Diary was registered bearing D.R. No. 375/2015 dated 10.02.2015, and thereafter, on completion of inquiry, police report was submitted.

4. Learned counsel for the appellant submits that they have no problem so far as the direction that has been given to provide Rs. 8,00,000/- as an award. But, the bar that has been put in keeping 90% of the award amount of Rs. 8,00,000/- as fixed deposit for a period of five years is not sustainable in the eye of law. His submission is that the amount should be fully paid to them instead of paying in installment as he was the bread earner but after this accident, he and his family facing economic problem.

5. In support of his case, he has produced an order of the Punjab & Haryana High Court dated 08.04.2021 in C.R. No. 3730 of 2019 and analogous cases in which the learned Single Judge has observed as follows:

"Section 23 of the Act provides that an appeal shall lie from every order, not being an interlocutory order, of the Claims Tribunal, having jurisdiction over the place, where the Bench is located. In the present revision petition, the petitioners do not challenge the very award itself or its insufficiency over grant of compensation to them. What is there in the present controversy is the denial by the Tribunal of disbursing the compensation so awarded immediately to the claimants, heirs of the deceased. The very wording of Section 23 of the



Act provides that an appeal shall lie against final order and not an interlocutory "order. The claim petitions have been finally disposed off and adjudicated and it is the very rider that has been placed therein that the claimants shall not get money immediately which is subject matter of anguish for the petitioners. One needs to be aware of the fact that every order in a suit cannot be regarded as a decided. Since the proceedings have earlier culminated into passing of award which has been accepted by the petitioners and has become final and it is the very rider therein which needs to be adjudicated. More-so, the very aim and object of award of compensation is based on compassion for the betterment of the dependents and cannot so strictly be construed so as to defeat the very purpose of the award of compensation. The Tribunal had been magnanimous to award a meager compensation to the claimants which has not been challenged nor disputed. The part of the order paying the amount of compensation by way of FDRs is a stipulation which has serious ramifications on the future of the claimants. Some of the claimants are already senior citizens while the then minors have attained the majority, the widows who have to pull through their life without their bread earners certainly requires such compensation to assuage their feelings of wrong done and help them tide over the hard days in running the household and upbringing their children and so the old parents, the dependents who need money for their upkeep as well as nursing of ill health. So this Court in view of the previous views of this Court in Amarjeet Singh and another vs. Union of India, Manjinder Singh vs. Union of India, Sudesh Kumari vs. Union of India, Raj Kumar vs. Union of India, Sahjadi Khatoon and others vs. Union of India (supra) and feels that the Courts should not fall prey to such technical issues and it would be in furtherance of law and its very purpose, if the Court allows the present petitions and direct the concerned Banks to immediately release the amount along with interest that has accumulated thereon over a period of time to the legitimate claimants as per their share in the award amount upon proper identification as per rules. All the revision petitions accordingly." stand allowed



6. He further submits that a similar matter has been disposed off by the co-ordinate Bench of this Court in Miscellaneous Appeal No. 248 of 2021.

7. Learned counsel for the respondents has no objection for the same.

8. Considering the submissions made on behalf of the learned counsel for the petitioner, Respondent is directed to dispose of the case of the petitioner in the light of the order passed in Miscellaneous Appeal No. 248 of 2021 and the order dated 24.05.2019 passed by Railway Claims Tribunal, Chandigarh Bench(present) Patna Bench, in Claims Application No. OA00364 of 2015 is modified to the extent that the amount of Rs. 8,00,000/- shall be released in favour the appellant at once within a period of 60 days in his respective Bank Accounts directly through R.T.G.S. process.

9. Any amount paid to them till date shall be deducted from the aforesaid awarded amount.

10. With the aforesaid observation, M.A. No. 712 of 2019 stands disposed of.

(Ramesh Chand Malviya, J)

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