

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No. 44 of 2025

Union of India through Dy CCM/Claims, South Eastern Railway, Sri Ajeet Kumar Tirkey, S/o Late Gorge Elise Tirkey, R/o Garden Reach, P.O.- Garden Reach, P.S.-West Port, Dist.-Kolkata (West Bengal)

... Petitioner

Versus

Sri Narsing Prasad Ravidas, S/o Late Gurubari Harijan, R/o Railway, Qr. No. 448/1, B Type, P.O.-Tatanagar, P.S.-Bagbera, Dist.-East Singhbhum

... Opposite Party

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Prabhat Kr. Sinha, Advocate
 Mr. Sahabjot Singh, Advocate

For the Opposite Party :

Oral Order

04 / Dated : 13.06.2025

1. Instant petition has been filed for review of the order dated 06.03.2025 passed by this Court in M.A. No. 107 of 2011 whereby and whereunder, an award of compensation of Rs.7,20,000/- passed by the Railway Claim Tribunal, Ranchi in favour of the respondent was affirmed by this Court.
2. The main contention of the review petitioner is that the appeal was dismissed and award of compensation was affirmed without any finding on the point of interest.
3. It is argued that when the Court awards a higher compensation than that which was applicable at the time of accident, the interest will not be admissible. Accident took place in 1990, whereas the claim application was filed in 2008 after 18 years. Final award of compensation has been made as per Rule 3 of Railway Accidents and Untoward Incidents (Compensation) Rules, 1990. At the time of accident in 1990, the maximum compensation that could be paid in injury cases was two lakhs which was enhanced to 4 lakhs in 1997 and eight lakhs by 2016 amendment. As the compensation has been awarded as per the current rate therefore, the claimant is not entitled to interest.
4. It is argued that Rs. Four Lakh has already been paid with interest in compliance to the earlier order passed by this Court on 10.04.2022 and,

therefore, the claimant was not entitled to the interest. Furthermore, upper limit for awarding compensation in case of disablement in Railway Accident and Untoward Incidents (Compensation) Rules, 1990 for Rs. Four Lakh, whereas compensation of Rs.7,20,000/- has been awarded.

5. It is difficult to be persuaded by the argument for depriving the petitioner of the interest amount for the reason that claimant is entitled to compensation as per the current rate is not in doubt in view of the law laid down by the Apex Court in **(2002) 4 SCC 306**.
6. Following two questions, inter alia, fell for consideration before the Hon'ble Apex Court in **(2019) 3 SCC 572 (Union of India Vs. Rina Devi)**.
 - i. Whether quantum of compensation should be considered as per prescribed rate of compensation as on the date of application/incident or on the date of order awarding compensation?
 - ii. The applicable rate of interest.
7. These questions have been answered in paragraph 19 of the said case in the following word "accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts."
8. In the above noted case, payment of interest was not in doubt or in issue. The question, if any, was about rate of interest.
9. It is settled law that while exercising the review jurisdiction, only the errors apparent on the face of record can be corrected, the review cannot be allowed to be an appeal in disguise. The Tribunal had awarded Rs.7,20,000/- with interest at the rate of 9% per annum from the date of filing of the application i.e. 21.04.2008 which was affirmed by this Court.
10. In the light of the settled law the award of compensation was affirmed which included the interest at the rate of 9% from the date of filing of

the claim application. Calculation of interest will however take into account the fact that principal compensation of Rs. Four Lakh has already been paid with interest in compliance to the earlier order passed by this Court on 10.04.2022.

I do not find any merit to review or revisit the earlier order passed by this Court.

Accordingly, this Review Petition stands dismissed.

(Gautam Kumar Choudhary, J.)

AKT/Satendra