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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(267)

CR-4385-2024

Date of decision:- 14.05.2025

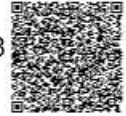
Kewal Ram and another**... Petitioners****Versus****Union of India****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Ms. Ritu Manohar, Advocate
for the petitioners.

Mr. H.S.Gill, Advocate and
Mr. Aayush Goyal, Advocate
for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Petitioners have assailed order dated 21.05.2024, Annexure P-1, passed by the Railway Claims Tribunal (for short “the RCT”), whereby an application filed by them for release of the entire compensation awarded to them, has been rejected.
2. Ms. Ritu Manohar, Advocate submits that the petitioners are the parents of Sanjay Singh, who was travelling as a passenger in Train No. 54552 and unfortunately expired in a railway accident on 17.08.2017. She submits that the petitioners filed a claim petition under the Railway Claims Tribunal Act, 1987, which was accepted and an award dated 24.07.2023, Annexure P-3, was passed in their favour, whereby they were granted a compensation of Rs.8 lacs, along with interest at the rate of 8% per annum from the date date of the incident.



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Counsel states that the petitioners were permitted to withdraw 10% of their share of awarded compensation and the rest of the amount was ordered to be invested in Term Deposit in a Nationalized Bank for a period of three years. She states that petitioner No.1, who is 56 years of age and is a rickshaw puller, is in dire need of finance as he needs money to meet the expenses for the renovation of his residential house, which is in a dilapidated condition. She has invited the attention of the Court to photographs, Annexure P-4, appended with the petition. She states that one of the sons of the petitioners is mentally unstable and is on medication and the compensation amount deserves to be released to them in order to enable them to meet their expenses.

3. Per contra, counsel for the respondent has opposed the petition and asserts that the amount has been ordered to be kept in a Fixed Deposit in order to meet the future needs of the petitioners. He has supported the order passed by the Tribunal.

4. I have heard counsel for the parties and considered their respective submission.

5. A Co-ordinate Bench of this Court in **Kamaljit Kaur and others Versus Union of India, (2025) 1 RCR (Civil) 628** has directed that all the claimants, who have attained the age of majority, are entitled to the release of the awarded amount. After an exhaustive discussion of the judicial precedents, 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.”

6. From the above reproduction, it is evident that the case of the petitioners does not fall in any of the three categories specified by this Court in **Kamaljit Kaur’s case (supra)**. Petitioner No.1 is earning a meagre amount and his spouse, petitioner No.2, is illiterate. One of their son has medical issues, which require immediate attention. An examination of the photographs, Annexures P-4, show that the one room tenement where they are residing is in a dilapidated condition.

7. Rule 44 of the Railway Claims Tribunal (Procedure) Rules, 1989 lays down that nothing in the procedure rules should be deemed to limit or

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otherwise affect the inherent powers of the Tribunal to make such orders as it deems necessary to meet the ends of justice or to prevent the abuse of the process of the Tribunal. Inherent powers have been vested in the Tribunal to meet the ends of justice, which in the opinion of the Court, would be met in a situation like the present one. This Court is, therefore, of the view that the Tribunal should have exercised the inherent powers vested in it under Rule 44 *ibid*, rather than in declining the application vide order impugned herein, which cannot be sustained.

8. For the afore-going reasons, revision petition is allowed. Impugned order dated 21.05.2024, Annexure P-1, is set aside.

9. The FDRs for the balance amount are ordered to be encashed. Principal amount along with accrued interest is directed to be paid to the petitioners by ECS transfer to their bank account in accordance with their share after verifying their identity and bank account particulars. Needful be done within a period of one month from the date of receipt of certified copy of this order.

14.05.2025

*Kamal***(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No