



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

FAO-286-2023
Date of decision : 28.02.2025

Poonam Bhardwaj and others Appellants

versus

Union of India and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Atul Bhatia, Advocate
for the appellants.

Mr. Dharam Chand Mittal, Sr. Panel Counsel
for the respondent-UOI.

PANKAJ JAIN, J. (Oral)

1. Counsel for the parties are *ad idem* that the issue is covered by the ratio of law laid down by Supreme Court in ***Union of India vs. Rina Devi, 2019 (3) SCC 572***, wherein Supreme Court observed as under:-

“15.4 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. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in Rathi Menon (supra) and Kalandi Charan Sanhoo (supra) stands explained accordingly. The 4-Judge Bench judgment in Pratap Narain Singh Deo



(supra) holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and to give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.”

- 3. The present appeal would be covered by the same order and is hereby allowed in the same terms.
- 4. The accident relates to the year 2018. Thus, the compensation shall be as per part I of the Schedule appended to the Railway Accident & Untoward Incidents (Compensation) Rules. Compensation of Rs.8,00,000/- along with interest @ 9% per annum is payable for the period from the date of application till the date of actual realization.

(PANKAJ JAIN)
JUDGE

28.02.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No