

**IN THE HIGH COURT OF PU NJAB AND HARYANA AT CHANDIGARH****286****CR-6279-2024 (O&M)****Date of Decision : 29.05.2025**

Sarita Nagasia and Others

....Petitioners

VERSUS

Union of India

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Upender Prasher, Advocate for the petitioners.

Mr. Ish Karan Singh Chhabra, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed for release of the amount as awarded by the Railway Claims Tribunal, Chandigarh, which was ordered to be kept in a fixed deposit.

2. An application was filed by petitioner No.1 for releasing the amount of compensation, which was ordered to be kept in FDR vide order dated 08.02.2023 passed by the Railway Claims Tribunal, Chandigarh. It has been stated in the application that petitioner No.1 herein requires the compensation amount for reconstruction of her house, which is in a dilapidated condition. The said application was dismissed vide the impugned order dated 30.07.2024. Aggrieved by the same, present revision petition has been filed on behalf of all the claimant-petitioners.

3. Learned counsel for the petitioners would contend that the petitioners require the compensation amount for reconstructing the house and to make it fit for living as the same is in dilapidated condition.

4. Learned counsel for the respondent would contend that present revision petition itself is not maintainable.

5. Heard.

6. A Co-ordinate Bench of this Court in case of **Sahjadi Khatoon & Ors. vs. Union of India [CR-493-2020 decided on 27.01.2020]** has held that the petitioners are entitled to the receipt of the entire money to which they have been found to be entitled by the Tribunal and they cannot be deprived of their right by keeping substantial portion in a fixed deposit. Similar view has been taken in case of **Gaganpreet Singh & Ors. vs. Union of India [CR-6424-2024 decided on 19.11.2024]**.

7. Petitioner No.1 herein had filed an application specifically stating therein that the amount be released as she requires it for reconstruction of her house. The claimant, who is found to be entitled to the amount by the Tribunal, cannot be deprived of the amount by making a provision of keeping the amount in a fixed deposit for a period of three years. In the present case, 90% of the amount was directed to be kept in a fixed deposit and only 10% was released to the claimant-petitioners.

9. The argument of learned counsel for the respondent that an appeal would be maintainable and present revision petition is not maintainable is rejected as the impugned order is not a final order against which an appeal is maintainable. Since the application in the present case was moved only by petitioner No.1 and the affidavit appended herein is only of petitioner No.1, this Court deems it appropriate to release the amount as awarded to petitioner No.1. The Tribunal is directed to issue necessary

directions to the concerned Branch Manager of the Bank for releasing the amount of compensation in favour of petitioner No.1.

10. Present petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

29.05.2025

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO