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

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Date of decision: 28.01.2025

Meera and others

... Petitioners

Vs.

Union of India

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Ravi Kumar Indlia, Central Government Counsel
for the respondent.

SUVIR SEHGAL J.

1. This revision petition has been filed assailing order dated 26.09.2024, Annexure P-3, passed by the Railway Claims Tribunal, Chandigarh Bench (for short 'the Tribunal'), whereby an application Annexure P-2, filed by the petitioners for release of the amount of compensation awarded to them, has been rejected.
2. Undisputed facts leading to filing of the revision petition

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are that the petitioners had filed a petition claiming compensation under the Railway Claims Tribunal Act, 1987, on account of injuries sustained by Ajay Kumar, which ultimately led to his death. By order dated 29.08.2023, Annexure P-1, claim was accepted and an amount of Rs. 8 Lacs was awarded to the petitioners along with simple interest @ 9% per annum from the date of the incident. Out of this, an amount of Rs. 5 Lacs was awarded in favour of the widow-petitioner No.1, and an amount of Rs.1 Lac, each, was awarded to petitioners No. 2 to 4, who are the children of the deceased. Tribunal permitted the petitioners to withdraw 10% of their share of the awarded amount and the balance compensation amount was ordered to be invested in a term deposit in a nationalized bank for a period of three years. Claiming that petitioner No.4 was married on 26.01.2023 and loans had to be taken for her wedding, an application was filed by the petitioners for the release of the entire compensation amount along with interest accrued thereon by encashing the FDRs. This application has been dismissed by the Tribunal, vide order impugned herein.

3. Counsel for the petitioners has placed reliance upon the judgment of a co-ordinate Bench of this Court in **Kamaljit Kaur and others Versus Union of India, 2025(1) RCR (Civil) 628** to contend that the claimants, all of whom are major, are entitled to the release of the amount. Counsel representing the respondent has given his no



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objection, in case, the prayer made in the petition is accepted.

4. After an exhaustive discussion of the judicial precedents, a co-ordinate Bench of this Court in **Kamaljit Kaur's** case (supra) 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

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unscrupulous elements or touts/unethical arrangements etc., the amount need not be invested in Fixed Deposits.

5. It is clear from the above that the compensation amount does not deserve to be withheld and kept in a fixed deposit in cases where the claimants have attained the age of majority. It has been claimed that petitioner No.4 was married in January, 2023 and a huge amount had to be borrowed for her wedding. Affidavits dated 09.11.2024 has been filed by petitioners No.2 to 4 pursuant to an interim order passed by this Court stating that they had borrowed money from relatives for marriage of petitioner No. 4 and the loans are yet to be returned. Moreover, all the petitioners have attained the age of majority and petitioners No. 2 and 3 are doing private jobs, although, they claim that they are earning a meager income. Petitioner No.1 is the widow of the deceased. Petitioners have an unfettered right to use the compensation amount. This Court does not find any reason to withhold the payment to the petitioners and the impugned order passed by the Tribunal cannot be sustained.

6. For the reasons foregoing, order dated 26.09.2024, Annexure P-3, passed by the Tribunal is set aside. A direction is issued for encashment of the term deposits and for payment of the compensation amount to the petitioners along with accrued interest in terms of order dated 29.08.2023, Annexure P-1, passed by the



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Tribunal.

7. Petition is disposed off.

28.01.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>