

Court No. - 9

Case :- WRIT - C No. - 21453 of 2025

Petitioner :- Sanjay Singh

Respondent :- Union Of India Through General Manager, Central Railway

Counsel for Petitioner :- Shiv Babu Dubey

Counsel for Respondent :- A.S.G.I.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.
2. The solitary grievance of the petitioner is that the amount of Rs. 72,000/- has been directed to be released in favour of the claimant/petitioner by the impugned award of the Railway Accident Claims Tribunal dated 26.07.2024 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for injury caused to the present petitioner in a railway accident.
3. A perusal of the record reveals that in a railway accident occurred on 22.04.2015, the petitioner Sanjay Singh suffered fatal injuries due to which his left hand was amputated. Arising therefrom, the petitioner instituted a claim petition on 27.03.2017. It has been decided on 26.07.2024, almost seven years after the occurrence of the accident. Even then, by that award, the Tribunal has awarded Rs. 7,20,000/- (in all) to the petitioner.
4. The Tribunal has provided for release of Rs. 72,000/- to the petitioner and the balance is to be deposited in Fixed Deposit for a period of three years.
5. Petitioner is more than 32 years of age is aggrieved by the wholly inadequate amount directed to be released, in a mechanical manner. Looking at the total compensation awarded, a sum of Rs. 72,000/- would be released at present though the petitioner claim that compensation of Rs. 7,20,000/- has been awarded. At present, the petitioner prays for release of at least fifty per cent of the awarded amount.
6. On the other hand, learned counsel for the Railways would submit that the order restraining release of ninety per cent of the award is only in the interest of the petitioner as he is likely to receive a higher amount after three years upon accrual of interest.
7. Having heard learned counsel for the parties and having perused the record, while there can be no dispute to the principle universally applied in such cases where part compensation amount is released at the time of the award being made

and the balance amount is invested for the benefit of the claimants, at the same time, it cannot be applied as a rule of thumb in all cases. In that, individual facts and circumstances must dictate the exercise of discretion, in such matters. The claimant who lost his left hand cannot be forced to litigate for years to earn an award of compensation and then be made to wait for further years to receive that compensation owing to exercise of discretion by the Court, ostensibly in the interest of such claimant.

8. Therefore, the above principle invoked by the learned Tribunal must be blended with practicality so as to release a reasonable amount, keeping in mind the overall circumstances of the case.

9. In the present case, petitioner is the mother of the deceased. They appear to be more than 32 years of age. He have waited for seven years from the incident for award of the compensation. The compensation awarded at the moment is also not excessive but a modest sum of Rs. 7,20,000/-.

10. Accordingly, the prayer made by learned counsel for the petitioner for release of fifty per cent of the awarded amount is found to be wholly just and proper. Accordingly, the award dated 26.07.2024 shall stand modified.

11. Let 50% of the awarded amount i.e. Rs. 3,60,000/- along with proportionate interest be released in favour of the petitioner within a period of four weeks from the date of production of certified copy of this order. The balance amount shall be invested and retained in highest bearing term deposit in a nationalized bank for a period of five years.

12. With the above observations, the present writ petition is **disposed of**.

13. It is made clear that any amount paid in compliance of the award may be adjusted against the amount to be released in pursuance of this order.

14. Also, this order has been passed independent of the right of the petitioners to claim enhancement, if advised.

Order Date :- 16.7.2025

Ved Prakash

(Manish Kumar Nigam,J.)