

Court No. - 9

Case :- WRIT - C No. - 27716 of 2025

Petitioner :- Soni And 2 Others

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. Learned counsel for the petitioners is permitted to implead the Railway Claims Tribunal, Gorakhpur as respondent in the array of parties during the course of the day.

2. Heard Sri Shiv Babu Dubey, learned counsel for the petitioners, Sri D.K. Chaturvedi, learned counsel for the respondent and perused the record.

3. The solitary grievance of the petitioners is that the amount of Rs. 40,000/- has been directed to be released in favour of the claimants/petitioners by the impugned award of the Railway Accident Claims Tribunal dated 27.11.2024 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for death caused to the husband of the petitioner no.1 in a railway accident.

4. A perusal of the record reveals that in a railway accident occurred on 7.7.2023, Sikandar, husband of petitioner No. 1 and son of petitioner nos.2 & 3 suffered fatal injuries and died on 7.7.2023. Arising therefrom, the petitioners instituted a claim petition on 13.12.2023. It has been decided on 27.11.2024, almost one year after the occurrence of the accident. Even then, by that award, the Tribunal has awarded Rs. 8,00,000/- (Rs. 3,00,000/- has been awarded to wife of the deceased, Rs. 50,000/- has been awarded each to the parents of the deceased and Rs.2,00,000/- has been awarded to two minor children of the deceased).

5. The Tribunal has provided for release of Rs. 40,000/- to the petitioners and the balance is to be deposited in Fixed Deposit for a period of three years.

6. Petitioners are aggrieved by the wholly inadequate amount

directed to be released, in a mechanical manner. Looking at the total compensation awarded, a sum of Rs. 40,000/- would be released at present though the petitioners claim that compensation of Rs. 4,00,000/- has been awarded. At present, the petitioners pray for release of at least fifty per cent of the awarded amount.

7. 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 petitioners as they are likely to receive a higher amount after three years upon accrual of interest.

8. 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/petitioner no.1 who lost her husband and on who certain dependency may also be claimed 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.

9. 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.

10. In the present case, petitioner No. 1 is the wife of the deceased and petitioner Nos. 2 and 3 are father and mother of the deceased respectively. They have waited for one year from the occurrence of death for award of the compensation. The compensation awarded at the moment is also not excessive but a modest sum of Rs. 4,00,000/-.

11. Accordingly, the prayer made by learned counsel for the petitioners for release of fifty per cent of the awarded amount is found to be wholly just and proper. Accordingly, the award dated 27.11.2024 shall stand modified.

12. Let 50% of the awarded amount i.e. Rs. 2,00,000/- along with proportionate interest be released in favour of the petitioners 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 three years. Amount awarded to minor children of the deceased shall remain deposited in fixed deposit as directed by the Tribunal.

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

14. 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.

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

Order Date :- 19.8.2025

S. Singh

(Manish Kumar Nigam, J.)