



2025:AHC:168108

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 32429 of 2025

Chhote Lal Patel And Another

.....Petitioner(s)

Versus

Union Of India Through General Manager, North
Central Railway

.....Respondent(s)

Counsel for Petitioner(s)	:	Mritunjay Verma, Priyanka Tripathi
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 9

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard learned counsel for the parties and perused the record.
2. Memo of appearance filed today by Shri Dhruva Kant Chaturvedi, Advocate on behalf of respondent is taken on record.
3. The solitary grievance of the petitioners is that only ₹ 80,000/- of the amount has been directed to be released in favour of the claimants/petitioners by the impugned award of the Railway Accident Claims Tribunal dated 10.12.2024 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for death caused to the son of petitioners in a railway accident.
4. A perusal of the record reveals that in a railway accident occurred on 9.9.2017, Pushpendra, son of the petitioners suffered fatal injuries and died on 9.9.2017. Arising therefrom, petitioners instituted a claim petition on 21.2.2017 which has been decided on 10.12.2024, almost more than seven years after the occurrence of the accident. Even then, by that award, the Tribunal has awarded ₹ 8,00,000/- (in all) to the petitioners/claimants.
5. The Tribunal has provided for release of ₹ 80,000/- 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 ₹ 80,000/- would be released at present though the petitioners claim that compensation of ₹ 8,00,000/- has been awarded. At present, the petitioners pray for release of at least 75% of the awarded amount to the petitioners.

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 petitioner as she is 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 claimant, 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 claimants/petitioners who lost their son 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, petitioners are father and mother of the deceased and have waited for more than seven years 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 ₹ 8,00,000/-.

11. Accordingly, the prayer made by learned counsel for the petitioners for release of at least 75% of the awarded amount to the petitioner is found to be wholly just and proper. Accordingly, the award dated 10.12.2024 shall stand modified.

12. Let 75% of the awarded amount i.e. ₹ 3,00,000/- (each) 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.

September 17, 2025
Rishabh

(Manish Kumar Nigam,J.)