



2025:AHC:188926

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 36598 of 2025

Virendra Kumar

.....Petitioner(s)

Versus

Union Of India, Represented Through, General
Manager North Central Railway

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajnath Ydav
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 5

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard Sri Rajnath Ydav, learned counsel for the petitioner and perused the record.

2. The solitary grievance of the petitioner is that the amount of Rs. 80,000/- has been directed to be released in favour of the claimant/petitioner by the impugned award of the Railway Accident Claims Tribunal dated 04.09.2023 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 14.08.2015, wherein Virendra Kumar, present petitioner suffered severe injuries and lost both his legs. Arising therefrom, the petitioner instituted a claim petition on 04.11.2015. It has been decided on 04.09.2023, almost eight years after the occurrence of the accident. Even then, by that award, the Tribunal has awarded Rs. 8,00,000/- (in all) to the petitioner.

4. The Tribunal has provided for release of Rs. 80,000/- to the petitioner and the balance is to be deposited in Fixed Deposit for a period of three years.

5. Petitioner is more than 38 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. 80,000/- would be released at present though the petitioner claim that compensation of

Rs. 8,00,000/- has been awarded. At present, the petitioner pray for release of at entire 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 legs 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 has waited for eight years from the occurrence of injury for award of the compensation. The compensation awarded at the moment is also not excessive but a modest sum of Rs. 8,00,000/-.

10. Accordingly, the award dated 04.09.2023 shall stand modified.

11. Let 50% of the awarded amount i.e. Rs. 4,00,000/- 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 three 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 petitioner to claim enhancement, if advised.

(Manish Kumar Nigam,J.)

October 28, 2025

Nitika Sri.