

28.01.2026

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SL. No. 2

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELALTE SIDE

FMA 1588 of 2025

**Mamata Gayen And Ors.
-Versus-
Union Of India**

Mr. Navin Mittal,

...for the appellant.

Mr. Bipul Kumar Mondal,

Mr. Subit Majumdar.

....for the Union of India.

The appellant before this Court were applicants/claimants in an application under Section 16 of the Railway claims Tribunal Act and is aggrieved by the Judgment and order dated 11-04-2025 passed by Railway Claims Tribunal Kolkata in claim Application No. OA (IIU) Kol/0082/2024.

The ground on which the Judgment of the Learned Railway Claims Tribunal is assailed is firstly the Learned Tribunal had passed order awarding compensation of Rs. 500,000/- instead of statutory compensations of Rs. 800,000/- for death claim, secondly the Learned Tribunal erred in dismissing the review petition for enhancing the compensation awarded. Thirdly, the Learned Tribunal erred in not awarding interest from the date of incident.

Heard Learned Advocate for the appellants and Learned Advocate for the respondent persued the Judgment under appeal and the materials on record.

Upon perusal of the Judgment of Learned Tribunal it appears that the Tribunal after being satisfied about the rights of the claimants/appellants was pleased to observe and direct as follows:

‘As per provision of Part-I of Rule-3 of Railways Accidents and Untoward Incidents (compensation) Rules 1990 for the death of the victim the compensation amount will be Rs. 800,000/-. In the claim application, the applicants have claimed compensation of Rs. 500,000/-for the death of the victim. We cannot go beyond the pleadings of the applicants. As such we are inclined to allow Rs. 500,000/- as compensation in this case. The applicants/dependants are also entitled to pendente lite interest @6% p.a. on the decretal amount of Rs. 500,000/- from date of filing of this claim application till the date of payment by the respondent. The respondent railway is directed to make payment within 60 days from the date of communication of this order failing which the decretal amount will carry simple interest @9% p.a. from the date of default till the date of realization.’

As Part-I of Rule-3 of Railways Accidents and Untoward Incidents (compensation) Rules 1990

provides that for the death of the victim compensation amount will be Rs. 800,000/- that compensation should ordinarily be awarded. In case of injuries the tribunal upon considering the nature of injury has power to decide the quantum of compensation to be awarded but in case of death there is hardly any scope to pay compensation lesser than Rs. 800,000/-. As Railway Accident and Untoward Incidents (compensation Rules 1990) is a welfare legislation the provisions should be given liberal construction so that the objective of the legislation is fulfilled.

It is held in different Judicial pronouncements that Tribunals are not required to adhere rigidly to the doctrine of stare decisis so that they can consider the claim more sympathetically. The contribution of the Tribunals should be to ensure that the benefits reach the helpless person. Where statute has prescribed the amount of compensation to be awarded in case of death Tribunals are empowered to award the said amount in the interest of justice even if lesser compensation is prayed for. The Tribunal in such a case may permit the applicant to amend the claim petition.

In exceptional cases also the Tribunal may review its own decision in order to grant just compensation as provided under the Railway Accidents and Untoward Incidents (Compensation) Rules 1990. Thus the

Learned Tribunal ought to have allowed the petition for review and enhanced the compensation to Rs. 800,000/-.

Thus this Appeal being FMA-1588 of 2025 stands disposed. The Judgment dated 11/04/2025 passed by Learned Railway Claims Tribunal Kolkata in OA(IIU)/Kol/0082/2024 stands modified to the extent that the appellants will be entitled to compensation of Rs. 800,000/- from the Respondent along with interest @6% per annum from the date of filing the case till today. The Respondent shall deposit Rs. 800,000/- along with interest @6% per annum from date of filing compensation case till today before The Registrar General High Court Calcutta. In the event the amount awarded by Learned Tribunal is already paid the balance amount shall be deposited. Such deposit shall be made within 6 weeks from the date of communication of this order.

(Biswaroop Chowdhury, J.)