



**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-789-1999 (O&M)
Decided on : 27.04.2026**

Union of India

....Appellant

Versus

Jeewan Ram

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Rahul Verma, Central Govt. Counsel
for the appellant.

Mr. Aryaman Thakur, Advocate
for the respondent.
(*Amicus Curiae*)

PANKAJ JAIN, J. (ORAL)

1 Present appeal is directed against award dated 09.12.1998
passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

2 On 23.01.2003 this Court ordered as under :-

*“Only contention raised on behalf of the of appellant is
that no assessment under the provisions Section 124-A of the
Railways Act has been made by the Railways Claims Tribunal
while fixing the amount of compensation under Issue No. 3.*

*In view of this admitted position, the impugned order is
set aside and the Tribunal is directed to pass a fresh order after
making assessment in accordance with law. Parties will appear
before the Tribunal for further proceedings on 24.02.2003.*



3 Pursuant to the aforesaid order passed by this Court, Tribunal has passed fresh order dated 16.09.2003. The operative part thereof reads as under :-

“This case was earlier decided by the then Hon'ble Bench of this Tribunal vide judgment dated 9.12.1998 and the applicant was awarded a sum of Rs. 2,00,000/- as the amount of compensation. However, the Hon'ble Punjab and Haryana High Court allowed the appeal filed by the Union of India (respondent-railway) and directed the Tribunal to assess the financial dependancy of the applicants under Issue No. 3. Since the findings returned by this Tribunal on Issue Nos. 1 and 2 in favour of the applicant have not been disturbed by the Hon'ble High Court, therefore, there is no need to record fresh findings on these issues and finding on issue no. 3 is being afresh.

We have heard learned counsels for both the sides

ISSUE No.3.

*The Hon'ble Supreme Court, in the case of **Rathi Menon Versus Union of India, reported in II (2001) SLT 624** has taken a view that the compensation payable on the date of award should be paid and not as applicable on the date of incident. On 9.12.1998, the compensation payable in the case of death, as per the amended Compensation Rules was Rs. 4,00,000/-.*

*As far as the factum of assessing the financial dependency of the applicants is concerned, the Hon'ble Supreme Court, in the case of **Sabitri Sahoo Versus Union of India, Civil Appeal No. 3753 of 2003 decided on 25.4.2003**, has taken a view that the compensation is fixed under the Rules and in case of death, a compensation of Rs. 4,00,000/- is payable irrespective of the financial dependancy. Since on 9.12.1998 the Rules stood amended and a compensation of Rs. 4,00,000/- was prescribed under the Rules and further, in view of the decision of the Hon'ble Supreme Court in the case of **Sabitri Sahoo (supra)**, a*



compensation of Rs. 4,00,000/- (Rupees Four lacs only) is payable to the applicant in this case and this issue stands decided in the terms afore-mentioned.

ISSUE No. 4 (RELIEF)

In view of our findings on Issue No. 3 above, an award for Rs. 4,00,000/- (Rupees Four Lacs only) is made in favour of the applicant. The said amount of compensation shall be payable to the applicant by the respondent-railway with interest @ 9% per annum from the date of award. If any amount has already been paid in compliance of the earlier award made on 9.12.1998, the same shall be adjusted against the final award.”

- 4

The order dated 09.12.1998 already stands set aside by this Court vide order dated 23.01.2003. The impugned award stands superseded by the award dated 16.09.2003.
- 5

In view thereof, nothing survives in the present appeal to be adjudicated by this Court.
- 6

Appeal stands disposed off.
- 7

Pending miscellaneous application, if any, also stands disposed off.

27.04.2026	(PANKAJ JAIN)
<i>Pooja Sharma-I</i>	JUDGE
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No