

(2014) 05 JH CK 0026
In the Jharkhand High Court
Case No : Misc. Appeal No. 258 of 2013

Balbinder Kaur

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 06-05-2014

Acts Referred:

Citation : (2014) 05 JH CK 0026

Hon'ble Judges : Dhruv Narayan Upadhyay, J

Bench : Single Bench

Advocate : Jay Shankar Jha, Advocate for the Appellant; Ram Nivas Roy,
Advocate for the Respondent

Final Decision : Allowed

Judgement

Dhruv Narayan Upadhyay, J.—This appeal has been preferred against the judgment and award dated 24.06.2013 passed by the Railway Claims Tribunal, Ranchi Bench in connection with Case No. OA(IIU)/RNC/2009/0057 by which the appellant has been granted compensation to the extent of Rs. 4,00,000/- but interest from the date of filing of the application has not been directed to be paid.

2. With this limited interest, the appellant has preferred this appeal and relied on the judgment in the case of Tahazhathe Purayil Sarabi and Others Vs. Union of India (UOI) and Another, .

3. Counsel for the respondents has opposed the argument and submitted that there is no provision for payment of interest on the compensation amount awarded under Railway Act or Railways Accident and Untoward Incidents (Compensation) Rules, 1990. The Tribunal has rightly directed, if the awarded amount is not paid within two months from the date of passing of the order, it will carry interest @ 9% per annum from the date of pronouncement of the judgment till the actual payment is made.

4. I have gone through the judgment and award and the judgment cited above. The appellant has been directed to be paid compensation in view of the Railways

Accident and Untoward Incidents (Compensation) Rules, 1990 but interest from the date of filing has not been directed to be paid. Since the case of the petitioner is squarely covered with the judgment and findings given by their Lordships in the case of "Tahazhathe Purayil Sarabi Vs. Union of India" (Supra), I feel inclined to allow this appeal and the respondent is directed to pay interest @ 6% from the date of filing of the Claim Application till the date of pronouncement of the judgment and thereafter the interest shall be paid as per direction given by the Tribunal in the impugned judgment.

5. With this observation and modification in the impugned judgment, this appeal stands allowed.