

(2025) 10 OHC CK 1350
In the Orissa High Court
Case No : F.A.O No. 205 Of 2025

Sanjay Kumar Padhi & Anr

APPELLANT

Vs

General Manager, South East Central Railway, Bilaspur,
Chhatisgarh

RESPONDENT

Date of Decision : 17-10-2025

Acts Referred:

Railway Accidents And Untoward Incidents (Compensation) Amendment Rules, 2020 — Rule 5

Citation : (2025) 10 OHC CK 1350

Hon'ble Judges : Dr. Sanjeeb K Panigrahi, J

Bench : Single Bench

Advocate : Ramanath Acharya, S.S. Mohapatra

Final Decision : Dismissed

Judgement

Dr. Sanjeeb K Panigrahi, J

1. The Appellant, in the present appeal is challenging the order dated 04.04.2025 passed in O.A. No.80 of 2012 by the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:

(i) On 18.06.2011, the deceased, Sunil Kumar Padhi, purchased a ticket at Kharagpur Railway Station for travel from Kharagpur to Bombay and boarded the Gitanjali Express. While the train was near Khaparikala village railway station, at Pole No. 908, the deceased fell from the train and died on the spot.

(ii) The accident was reported to the GRPS Police, and a case was registered at Khaparikala Railway Police Station vide U/D Case No. 47/11.

(iii) The Appellants filed a claim petition before the learned Railway Claims Tribunal, Bhubaneswar, on 07.06.2012, claiming compensation of Rs. 5,00,000/-.

The learned Tribunal dismissed the claim on 03.03.2017, holding it to be devoid of merit

(iv) The Appellants challenged the order dated 03.03.2017 before this Court in F.A.O. No. 161 of 2017.

(v) By order dated 24.07.2024, this Court remitted the matter to the Railway Claims Tribunal, Bhubaneswar, for fresh adjudication of the claim petition.

(vi) The Railway Claims Tribunal, Bhubaneswar Bench, by its judgment dated 04.04.2025 in O.A. No. 80 of 2012, allowed the application and awarded compensation of Rs. 8,00,000/- to the Appellants. The Tribunal directed that 10% of the awarded amount, along with proportionate interest, be released immediately, and the balance be deposited in Fixed Deposit Receipts in a Nationalized Bank for three years.

(vii) The Appellants have filed the present appeal against the Tribunal's award.

II. SUBMISSIONS ON BEHALF OF THE APPELLANTS:

3. Learned counsel for the Appellants earnestly made the following submissions in support of his contentions:

(i) The impugned judgment dated 04.04.2025 is illegal and contrary to law, being against the weight of evidence. The Tribunal erred in not directing interest on the awarded amount from the date of the accident, i.e., 19.06.2011, despite established principles that compensation amounts ought to carry interest.

(ii) The accident occurred at approximately 4:45 AM on 19.06.2011 due to the negligent operation of the Gitanjali Express, as borne out by the evidence recorded in U.D. Case No. 47 of 2011. The Tribunal, however, failed to adequately consider this material evidence and overlooked settled legal principles.

(iii) The cause of action arose in June 2011, and the litigation extended over nearly fourteen years, during which the Appellants incurred substantial expenses and endured significant hardships. In such circumstances, they are entitled to interest on the awarded amount as just compensation for the delay.

(iv) The Appellants have no independent source of income, with Appellant No. 1 earning only a modest sum from performing Seva Puja, insufficient to meet basic obligations. Modification of the award to include interest would enable them to discharge debts and meet essential living expenses.

(v) The Tribunal's direction to release only 10% of the awarded amount for immediate use is inadequate. The proportion of the award available for immediate withdrawal may be enhanced to 25% to enable repayment of outstanding liabilities.

III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:

4. The Learned Counsel for the Respondent earnestly made the following

submissions in support of his contentions:

(i) The present appeal is not maintainable. The incident occurred on 18.06.2011, when the provision for compensation for death under the Railways Act was ₹ 4,00,000/-. The claim petition filed on 07.06.2012 sought ₹ 5,00,000/- and was dismissed on 03.03.2017 as devoid of merit.

(ii) The Appellants challenged that order before this Court in F.A.O. No. 161 of 2017, following which the matter was remitted to the Railway Claims Tribunal for fresh adjudication. After considering the legal position, the Tribunal awarded ₹ 8,00,000/- without interest. The enhanced provision of ₹ 8,00,000/- in cases of death came into force only from 01.01.2017. Since the claim relates to the date of the accident, i.e., 18.06.2011, the Appellants were originally entitled to only ₹ 4,00,000/-. The award of ₹ 8,00,000/- without interest is therefore just and proper.

(iii) In compliance with the judgment dated 04.04.2025, the awarded amount of ₹ 8,00,000/- has already been deposited before the Tribunal on 23.05.2025. The appeal is therefore not maintainable and is liable to be dismissed.

IV. FINDINGS OF THE RAILWAY CLAIMS TRIBUNAL, BHUBANESWAR:

5. The Railway Claims Tribunal, after hearing the parties, perusing the material on record, and considering the directions of this Court, made the following findings:

(i) The deceased, Sunil Kumar Padhi, was traveling by Gitanjali Express from Kharagpur to Bombay on 18.06.2011. Due to a sudden jerk of the train, he fell near Khaparikala Village Railway Station and died on the spot.

(ii) AW 1, the mother of the deceased, and AW 2, a retired railway personnel, deposed that the deceased had purchased a valid ticket and boarded the train in their presence, establishing him as a bona fide passenger.

(iii) The Respondent's claim that the deceased's death was due to self-inflicted negligence is unsubstantiated. No direct evidence supports any contention of criminal negligence or suicidal intent.

(iv) The post-mortem and inquest reports confirm that the death resulted from injuries sustained due to falling from the train, constituting an "untoward incident" within the meaning of Section 123(c)(2) of the Railways Act, 1989.

(v) The Applicants, being the parents of the unmarried deceased, are recognized as the sole dependents under Section 123(b) of the Railways Act, 1989, and are entitled to compensation under Section 124-A.

(vi) In view of the Railway Board notification dated 22.12.2016, effective from 01.01.2017, the Tribunal awarded ₹ 8,00,000/- (Rupees Eight Lakhs) to the Applicants, an amount higher than that applicable on the date of the accident.

(vii) The award was structured with safeguards, with ₹ 4,00,000/- each to the

father and mother, an initial withdrawal limited to 10%, and the balance placed in fixed deposits for three years. Interest was to be credited quarterly, with strict restrictions on account operation to prevent misuse, in accordance with the Railway Board notification dated 03.06.2020.

(viii) The Tribunal concluded that the claim is maintainable, the deceased was a bona fide passenger, the death was accidental, and the Applicants are entitled to the awarded compensation.

V. COURT'S REASONING AND ANALYSIS:

6. This Court has carefully considered the submissions of the parties, perused the material on record, and examined the impugned order of the Railway Claims Tribunal, Bhubaneswar Bench.

7. The present appeal is confined to a limited question, namely whether the directions of the Tribunal regarding the mode of disbursement of the awarded compensation, particularly the absence of any additional interest on the awarded amount and the restriction of immediate withdrawal to ten percent of the award, require modification in favor of the Appellants to increase immediate withdrawal to twenty-five percent and for payment of additional interest.

8. The Tribunal, after consideration of the evidence, documentation, and statutory provisions, awarded compensation of Rs. 8,00,000/- to the Applicants for the death of their son, Sunil Kumar Padhi, arising out of an untoward incident while traveling as a bona fide passenger in Train No. 12860, Geetanjali Express.

9. In structuring the disbursement, the Tribunal relied upon Rule 5 of the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, which specifically empowers it to determine the mode of disbursal, including deposit in fixed deposits. Such measures are intended to safeguard claimants against potential exploitation by unscrupulous intermediaries and to ensure that the award serves its protective and compensatory purpose effectively.

10. The Tribunal also took into consideration the observations of the Delhi High Court in *Geeta Devi v. Union of India* 2019 SCC OnLine Del 8919., which recognize that claimants, particularly from rural areas, may not possess sufficient financial literacy or judgment to manage large sums of money immediately, and that unrestricted access could expose them to undue risk.

11. The Tribunal's approach, allowing only ten percent of the award for immediate withdrawal and placing the balance in fixed deposits for three years with interest credited quarterly, was neither arbitrary nor unduly restrictive. Additional safeguards, including prohibitions on issuing cheque books or debit cards and requirements for formal applications for withdrawals, were incorporated to prevent imprudent or unauthorized access while still permitting the claimants to meet immediate needs.

12. The Appellants' request to increase immediate withdrawal to twenty-five

percent does not justify interference. The Tribunal's structured disbursal takes into account the claimants' immediate requirements and future financial security while promoting financial prudence and protection against mismanagement or undue pressure, particularly for individuals from rural or vulnerable backgrounds. Limiting immediate access to ten percent and securing the remainder in fixed deposits with strict procedural safeguards reflects a careful exercise of discretion, ensuring that the compensation fulfils its protective and compensatory purpose over the long term. No error of law or abuse of discretion is apparent that would warrant judicial intervention in this considered exercise of judgment.

13. Regarding the request for additional interest on the awarded amount, the Tribunal's order already provides for interest at the rate of 9% per annum in the event of delayed payment by the Respondent. In the present case, the Respondent has already deposited the awarded amount in accordance with the Tribunal's directions. The Appellants have therefore failed to establish any statutory or equitable basis for claiming further interest. The Tribunal acted well within its jurisdiction under Section 124-A of the Railways Act, 1989, ensuring that the compensation was preserved, protected, and made reasonably accessible to the claimants without delay.

VI. CONCLUSION:

14. In view of the foregoing, the Tribunal's directions regarding disbursal, namely ten percent immediate withdrawal and placement of the balance in fixed deposits with appropriate safeguards, are rational, fair, and fully consistent with statutory provisions and judicial precedent.

15. The Appellants have failed to demonstrate any error of law or exercise of discretion in the Tribunal's order warranting interference.

Modification in the manner sought would undermine the protective framework envisaged by law and go against the considered reasoning of the Tribunal, which sought to balance immediate access with long-term financial security.

16. For these reasons, the appeal is devoid of merit and is, accordingly, dismissed.

17. The impugned order dated 04.04.2025 passed by the Railway Claims Tribunal, Bhubaneswar Bench in O.A. No.80 of 2012 shall remain in force and effect, and no modification is warranted in the mode of disbursal or interest provisions.

18. Interim order, if any, passed earlier stands vacated.