
(2009) 09 OHC CK 0011
In the Orissa High Court
Case No : F.A.O. No. 158 of 2008

Santilata Samantaray and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 11-09-2009

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 23

Citation : (2010) 2 OLR 405

Hon'ble Judges : S.C. Parija, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.C. Parija, J.—This appeal u/s 23 of the Railways Claims Tribunal Act, 1987, has been filed by the claimants-appellants for payment of interest on the compensation amount awarded by the Railway Claims Tribunal, Bhubaneswar bench, Bhubaneswar, as per the award dated 17.1.2008, passed in O.A. No. 6 of 2006.

2. The sole contention raised by learned Counsel for the claimants in the present appeal is that the Railway Claims Tribunal erred in not granting interest on the awarded compensation amount and that the claimants are entitled to interest from the date of filing of the claim application. In this regard, learned Counsel for the claimants has relied upon two decisions of the apex Court in the case of Rathi Menon Vs. Union of India, , and in the case of N. Parameswaran Pillai and Anr. v. Union of India and Anr. (2002) 4 SCC 301, in support of his contention that the claimants are entitled to interest on the awarded compensation amount. Learned Counsel has also relied upon another recent decision of the Supreme Court in a unreported case, passed in Civil Appeal No. 3568 of 2009 in the case of Tahazhathe Purayil Sarabi and Ors. v. Union of India and Anr. in support of his said contention.

3. Learned counsel for the respondent-Railway submits that the entire awarded

compensation amount of Rs. 4,00,000/- has already been paid to the claimants and that there is no provision in Railway Claims Tribunal Act, 1987, for grant of interest on the awarded compensation amount. Hence the award of the Tribunal for not granting interest cannot be faulted.

4. Considering the submissions of learned Counsel for the parties and in view of the decision of the apex Court, as referred to the above, this appeal is allowed and the respondent-Railway is directed to pay interest " 9% per annum, on the awarded compensation amount of Rs. 4,00,000/-, from the date of filing of the claim application, till the date of deposit/payment of the award amount, which shall be paid to the claimants within eight weeks from the date of receipt of copy of this order.

5. This Appeal is accordingly allowed.