
(2022) 12 PAT CK 0045

In the Patna High Court

Case No : Miscellaneous Appeal No. 1055 Of 2019

Shambhu Bind @ Shambhu

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 15-12-2022

Acts Referred:

Citation : (2022) 12 PAT CK 0045

Hon'ble Judges : Rajiv Roy, J

Bench : Single Bench

Advocate : Krishna Mohan Murari, Kanak Verma

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the appellant and Ms. Kanak Verma who represents the Railways.
2. The appellant is aggrieved by the order dated 1.10.2019 passed in Case No. OA(IIa)00036/2017 by the learned Railway Claims Tribunal, Patna Bench, Patna (henceforth for short 'the Tribunal') by which after holding that he has received injury in his leg, although he failed to produce any ticket to show his bonafide, 'the Tribunal' hold that in view of the affidavit made by him, he is entitled to relief and accordingly directed the Railways to pay Rs. 2,40,000/- within a period of three months failing which he will be entitled to 9 per cent simple interest.
3. 'The Tribunal' further directed bifurcation of the amount inasmuch as the same was to be paid in 72 equal instalments of Rs. 3000/- through the Additional Registrar, Railway Claims Tribunal, Patna in whose account the entire amount will be kept alongwith interest.
4. Learned counsel for the appellant submits that 'the Tribunal' erred in providing relief only for the leg injury ignoring the fact that he had also received head injury. However, he failed to provide details about severity of the injury that the appellant received following the accident.

5. He brought the attention of this Court to the document that is part of the Lower Court Record, the discharged slip of GSVM Medical College, Kanpur.

6. This Court took note of medical record of head injury wherein it has been observed that the patient was examined thoroughly, properly investigated and managed conservatively with IVF, anti-boitic, analgesics and other symptomatic drugs. Now the patient is being discharged on persistent request of the patient's attendant with proper advice and regular follow-up.

7. As per the discharged slip, the date of admission is 10.7.2011 and the date of discharge is 12.7.2011 and from the advice for taking anti-biotic and analgesics, it is clear that although there was some injury on his head, there was no severity for which he is claiming extra compensation.

8. In the aforesaid background, 'the Tribunal' was absolutely justified in granting the compensation as has been recorded in its order dated 1.10.2019 in Case No. OA(IIa)00036/2017. The said claim of the appellant is fit to be rejected.

9. So far as the instalment part is concerned, there is judgment of Punjab & Haryana High Court dated 08.04.2021 in C.R. No.3730 of 2019 in the case of Anju & Ors. vs. Union of India and analogous cases in which the learned Single Judge has observed as follows:

"Section 23 of the Act provides that an appeal shall lie from every order, not being an interlocutory order, of the Claims Tribunal, having jurisdiction over the place where the Bench is located. In the present revision petition, the petitioners do not challenge the very award itself or its insufficiency over grant of compensation to them. What is there in the present controversy is the denial by the Tribunal of disbursing the compensation so awarded immediately to the claimants, heirs of the deceased. The very wording of Section 23 of the Act provides that an appeal shall lie against final order and not an interlocutory order. The claim petitions have been finally disposed off and adjudicated and it is the very rider that has been placed therein that the claimants shall not get money immediately which is subject matter of anguish for the petitioners. One needs to be aware of the fact that every order in a suit cannot be regarded as a decided. Since the proceedings have earlier culminated into passing of award which has been accepted by the petitioners and has become final and it is the very rider therein which needs to be adjudicated. More-so, the very aim and object of award of compensation is based on compassion for the betterment of the dependents and cannot so strictly be construed so as to defeat the very purpose of the award of compensation. The Tribunal had been magnanimous to award a meager compensation to the claimants which has not been challenged nor disputed. The part of the order paying the amount of compensation by way of FDRs is a stipulation which has serious ramifications on the future of the claimants. Some of the claimants are already senior citizens while the then minors have attained the majority, the widows who have to pull through their life without their bread earners certainly requires such compensation to assuage

their feelings of wrong done and help them tide over the hard days in running the household and upbringing their children and so the old parents, the dependents who need money for their upkeep as well as nursing of ill health. So this Court in view of the previous views of this Court in Amarjeet Singh and another vs. Union of India, Manjinder Singh vs. Union of India, Sudesh Kumari vs. Union of India, Raj Kumar vs. Union of India, Sahjadi Khatoon and others vs. Union of India (supra) and feels that the Courts should not fall prey to such technical issues and it would be in furtherance of law and its very purpose, if the Court allows the present petitions and direct the concerned Banks to immediately release the amount along with interest that has accumulated thereon over a period of time to the legitimate claimants as per their share in the award amount upon proper identification as per rules. All the revision petitions stand allowed accordingly.”

10. The said order of the Punjab & Haryana High Court was also stamped by the Hon'ble Supreme Court vide SLP (c) No. 20206-2021 of 2021 in the case of Union of India Vs. Anju which was heard and dismissed on 4.01.2022.

11. Taking into account the aforesaid facts, this Court is of the view that the amount that the appellant is entitled to as directed by 'the Tribunal', shall be released to him forthwith within a period of 60 days directly in his Bank account through RTGS process.

12. It has been informed by the learned counsel for the appellant that despite the order passed on 01.10.2019, no compensation amount has been released to him.

13. Taking into account the aforesaid observation, if correct, in cash of failure of the Railways to clear the amount within a period of 60 days from today, the appellant shall be entitled for additional Rs. 50,000/- as cost.

14. With the aforesaid observations, the M.A. No. 1055 of 2019 is disposed of.