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FAO-6568-2023 (O&amp;M)

[127] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-6568-2023 (O&M)  
Date of Decision : 28.04.2025

Rahul Sabharwal ...Appellant

versus

Union of India ....Respondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Vaibhav Goel, Advocate  
for the appellant.

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**PANKAJ JAIN, J. (ORAL)**

[1] The claimant is before this Court, aggrieved of the conditions imposed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh on the disbursal of the compensation amount.

[2] Counsels do not dispute that the issue would be squarely covered by the detailed order passed by this Court in FAO-4331-2024.

Relevant extract of the same is reproduced as under:-

*“9. Thus, in view of aforesaid decisions, it is evident that the guidelines issued by Apex Court in the case of General Manager, Kerala State Road Transport Corporation’s ibid, were issued to protect the rights of the claimants, who are :*

*a) the minors;*

*b) under some disability; and*

*c) widows and illiterate persons*

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*i.e. those who apprehend threat at the hands of unscrupulous elements and lack fiscal discipline.*

10. *The guidelines are not to be interpreted like statute but need to be followed in a more pragmatic manner. The Tribunals are right in ordering investment of compensation in Fixed Deposits in the case where a claimant is prone to being robbed off the compensation awarded. Thus, the broad parameters that can be laid down are that the Tribunals should order Fixed Deposits only in those cases where:*

*(a) the claimant is a minor. From awarded compensation the share of the minor should be ordered to be invested in Fixed Deposits till he/she attains the age of majority or till the parents/guardians show pressing need to spend the amount for the benefit of minor;*

*(b) where the claimant is a physically disabled person owing to some disability arising out of birth, injury or extremely old age and the Tribunal is satisfied that the claimant will not be able to protect his/her money from unscrupulous elements; and*

*(c) where future treatment of the claimant needs to be taken care of by spending amount of compensation.*

[3] Claimant is a 42 year old injured, who has been awarded compensation amount of Rs.8,00,000/-. However, 90% of the awarded

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amount has been ordered to be kept in fixed deposit. There is no evidence on record to show there is an apprehension that claimant may fall prey to unscrupulous elements. Resultantly, impugned award passed by Railway Claims Tribunal is ordered to be *modified*. The amount deposited in fixed deposit along with interest amount accrued thereon is ordered to be released to the appellant.

[4] Appeal is accordingly **allowed**.

[5] All pending miscellaneous application(s), if any, stands *disposed off*.

**(PANKAJ JAIN)**  
**JUDGE**

28.04.2025

'R. Sharma'

*Whether speaking/ reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*