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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-5687-2024
DECIDED ON: 28.01.2025**

SIMARJIT KAUR AND OTHERS**.....PETITIONERS****VERSUS****UNION OF INDIA****....RESPONDENT****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.**

Present: Mr. Upender Prasher, Advocate for the petitioners.

Mr. Saksham Parmar, Advocate for Union of India.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 25.07.2024 (Annexure P-3) passed by the Railway Claims Tribunal, Chandigarh Bench vide which the application moved by the petitioners for release of the amount of compensation which was ordered to kept in FDR was rejected.

2. A claim petition was preferred by the petitioners before the Railway Claims Tribunal, Chandigarh for the grant of compensation on account of the death of Balwinder Singh. The claimants were the widow and daughters of Balwinder Singh. Vide judgment/award dated 18.05.2023 (Annexure P-1), a sum of Rs.4,00,000/- was awarded to petitioner No.1 and a sum of Rs.1,00,000/- each was awarded to petitioners No.2 to 5 alongwith interest. However, it was also ordered that out of the awarded amount, 10% of the amount would be disbursed to the petitioners-claimants and the remaining 90% would be kept in an FDR. An application was moved by the petitioners for the release of the amount kept in the FDR on account of the repair of their house. The application was, however, dismissed by the learned Tribunal on the ground that it was not appropriate and justifiable to release the FDRs of all the petitioners for repair of their house.

3. Learned counsel for the petitioners submits that the order



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passed by the learned Tribunal is unduly harsh for the petitioners are in a very poor financial condition and they need the entire amount for repair of their house. Learned counsel further submits that petitioners No.2 to 5 are now majors and are willing to give their share for the repair of the house. He further contends that even otherwise, the FDRs are maturing in May 2026 and as of now, there is no stay against the award.

4. I have considered the submissions made by learned counsel for the petitioners and am of the considered view that the order passed by the learned Tribunal is not justified. No doubt, certain amount is kept in FDRs to safeguard the same in case of any contrary decision in appeal etc. However, at the same time, it has to be borne in mind that the awarded amount is for the benefit of the claimants on account of the unfortunate demise in the family and that too of the sole bread winner. Still further, there is stated to be no stay till now. The FDRs are also maturing in May 2026. In the considered opinion of this Court, a compassionate view of the matter should have been taken.

In view of the above, the revision petition is allowed. The impugned order dated 25.07.2024 (Annexure P-3) is set aside and the application filed by the petitioners is allowed. It is directed that the petitioners shall appear before the learned Tribunal within a period of 10 days from today for getting their statements recorded. After recording their statements, if the learned Tribunal finds that the petitioners give their consent for release of the amount in the FDRs, the shares of the petitioners shall be released to them in accordance with the rules.

28.01.2025

Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |