

2025:PHHC:074845



FAO-401-2020 (O&amp;M)

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

FAO-401-2020 (O&M)  
Date of Decision : 29.05.2025

Roshni and others ...Appellants

versus

Union of India and others ....Respondents

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

Present: Mr. Narender Kaajla, Advocate  
for the appellants.

Mr. Narender Kumar Vashist, Senior Panel Counsel  
for the respondent-UOI.

\*\*\*

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

[1] Challenge is to Award dated 27.09.2019 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, whereby the claim petition filed by the claimants seeking compensation on account of death of Ishwar Singh in an untoward incident dated 21.01.2016 while boarding passenger train, stands dismissed.

[2] MST and a valid Identity Card have been proved to have been recovered from the person of the deceased. MST was valid from 13.01.2016 till 12.02.2016. Hence, the question of its validity on the date of accident dated 21.01.2016 is beyond doubt. Tribunal has non-suited the claimants, holding that as per the site plan, the dead body of the deceased was found lying between Down Main Line and Up Loop Line in the yard of Railway Station Babarpur and thus, it is proved that he died of having been run over by some train while crossing the railway track.



FAO-401-2020 (O&M)

[3] Counsel for the appellants relies upon the following observations made by the Supreme Court in the case of '*Union of India vs. Rina Devi, 2019 (3) SCC 572:-*

*“15.4 Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in Rathi Menon (supra) and Kalandi Charan Sanhoo (supra) stands explained accordingly. The 4-Judge Bench judgment in Pratap Narain Singh Deo (supra) holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and to give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.”*

[4] Counsel for the respondent-UOI is not in a position to dispute that the case of claimant is covered by the observations made hereinabove by the Supreme Court.

[5] In view of the above, this Court finds that the findings recorded by the Tribunal on Issue Nos.1 & 2 cannot be sustained and need to be reversed. Resultantly, award passed by the Tribunal is hereby *set aside*. Claim petition filed by the claimants is **allowed**. They are held entitled for compensation of Rs.4,00,000/- along with interest @ 9% per annum from the date of accident till the date of actual realization or Rs.8,00,000/-, whichever is higher. The compensation shall be equally disbursed amongst

2025:PHHC:074845



FAO-401-2020 (O&amp;M)

the claimants. The claimants shall move an appropriate application giving details of their bank accounts before the Tribunal within a period of 04 weeks with an advance copy to the Railways. After receiving advance copy with respect to details of bank accounts, Railways shall within a further period of 12 weeks deposit the entire compensation payable to the claimants in the bank accounts. In view of failure of Railways to pay the compensation within the prescribed period of 12 weeks, the Railways shall be liable to pay interest @ 9% per annum.

[6] With the aforesaid *modification* the appeal is **disposed off**.

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

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

29.05.2025

'R. Sharma'

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