



CR No.6942 of 2024 (O&M) -1-
CR No.7000 of 2024

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

131+140

Date of Decision: 02.12.2024

1. CR No.6942 of 2024

Jageshwar and another

..... Petitioners

Versus

Union of India

..... Respondent

2. CR No.7000 of 2024

Nigam Yadav and another

..... Petitioners

Versus

Union of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Upender Prashar, Advocate
for the petitioners (in both petitions).

Mr. Narender Kumar, Senior Panel Counsel
for the respondent-UI (in both petitions).

VIKAS BAHL, J (ORAL)

1. This order shall dispose of two revision petitions, i.e., CR-6942-2024 titled as 'Jageshwar and another Vs. Union of India' and CR-7000-2024 titled as 'Nigam Yadav and another Vs. Union of India' as similar questions of law and facts are involved.

2. With respect to CR-6942-2024, learned counsel for the



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petitioners has submitted that the petitioners were awarded an amount of Rs.8 lakhs along with simple interest @ 9% per annum from the date of the incident till the date of the order in equal share on account of death of their son, vide the Award dated 18.08.2023. It is submitted that however, with respect to disbursement of the said amount, it was observed that the petitioners would be permitted to withdraw 10% of the share of the awarded amount and the rest amount of their respective share was ordered to be invested in a nationalized bank in FDR for three years and the proportionate interest accrued upon the FDR shall be paid to these applicants. It is submitted that the petitioners had moved an application on 09.04.2024 for releasing the amount of compensation ordered to be kept in FDR by stating that their house was very old and in a pathetic condition and the same was required to be constructed with concrete material so that the same could be made fit for living. It was further averred that the same was not fit and safe for living of human beings. It is argued that however, the Railway Claims Tribunal vide impugned order dated 26.09.2024 rejected the said application.

3. With respect to CR-7000-2024, learned counsel for the petitioners has submitted that in the said case, the amount of Rs.8 lakhs along with 7.5% interest was awarded in favour of the petitioners on account of death of their son, vide Award dated 24.03.2023 but even in the said Award, similar conditions as in the Award which to subject matter of CR-6942-2024 were imposed with respect to the disbursement. It is submitted that the petitioners moved an application for releasing the amount of compensation which was ordered to be kept in FDR by stating that they



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had no source of income and they were doing labour work and had stated that the house was required to be constructed and on account of lack of funds, they could not construct the same. It was also stated that they were in dire need of money and they had done marriage of their daughter two years ago and had borrowed money from money lenders and had to return the same but the Railway Claims Tribunal vide impugned order dated 25.07.2024 has dismissed the said application.

4. Learned counsel for the petitioners has submitted that as per the law laid down by the Coordinate Bench of this Court in the case of ***Sahjadi Khatoon and others vs. Union of India, CR-493-2020 decided on 27.01.2020***, the petitioners are entitled to the receipt of the entire money to which they have been found to be entitled by the Tribunal and the petitioners cannot be deprived of the entire amount by keeping substantial part of the same in a fixed deposit.

5. Learned counsel for the respondent has submitted that they have no objection in case the said amount is released to the petitioners.

6. This Court has heard the learned counsel for the petitioners and has perused the paper book.

7. The Coordinate Bench of this Court in ***Sahjadi Khatoon and others's case (supra)*** has placed reliance upon the case of ***Rani and others vs. Union of India, CR-243-2020 decided on 15.01.2020*** and has observed that it is well settled law that where the right to money is based on a final decree, the original owner has the choice of appropriation of compensation in the manner he regards best in his interest. The money to which he is found entitled is to be handed over to him without placing any riders



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thereon and that once the compensation has been awarded, the same would go to the claimant, as no one can question a major person of sound mind as to how he would put the said money to use. The relevant portion of the said judgment is reproduced hereinbelow:-

“4. To retrieve the part compensation, the earned counsel for the petitioner places reliance on Rani's case (supra). At any rate, it is well-settled in law that where the right to money is based on final decree and the original owner has the choice of appropriation of compensation in the manner he regards best in the interest of that person, the money deposited by the judgment debtor has to be handed over to the award-holder without placing any riders thereon. It is trite law that once compensation amount is awarded by the court, it should go to the claimant. No one can question a major person of sound mind entitled to an adjudicated amount of compensation in an award which has become final, suspecting how the money would be put to use by the rightful owner. This is not the business of the Tribunal. This court hopes that such litigation should not come to it again.

5. Accordingly, the claim is covered by the judgment and no 3rd party rights are involved and will be affected nor the rights of petitioners 2 to 5 since the petition is pressed only as far as the first petitioner is concerned by keeping the rights of respondents 1 to 5 as directed by the learned Tribunal.

6. This petition is allowed.

7. As a result, a direction is issued to the learned Tribunal to disburse the share of the first petitioner (Sahjadi Khatoon) alone to her bank account to be supplied by her by transfer through RTGS, within a week of presentation of a certified copy of this order after verification of credentials and acknowledgment duly signed by her and retained on case file.”



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8. The said judgment has been followed in ***FAO-4000-2024*** titled as ***“Santra & Ors. vs. Union of India” and other connected matters decided on 30.08.2024***, in which it was observed by the Coordinate Bench of this Court that the Tribunal ought not to have put clog over the rights of the claimants and that they should have unfettered right to use the money.
9. Additionally, in the present case, the petitioners have specifically mentioned in the application the facts as regards their need for the release of the money which apparently is genuine and *bona fide*.
10. Keeping in view the abovesaid facts and circumstances, both the petitions are allowed and the impugned orders dated 26.09.2024 (Annexure P-3) in CR-6942-2024 and order dated 25.07.2024 (Annexure P-3) in CR-7000-2024, are set aside and AR Registrar, Railway Claims Tribunal, Chandigarh is directed to issue necessary directions to the concerned Branch Manager for releasing the entire amount of compensation along with interest to the petitioners in the same proportion as per the award passed in the respective cases.

02.12.2024
D.Bansal

(VIKAS BAHL)
JUDGE

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