

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 476 of 2018

Union of India through the General Manager, South
Eastern Railway, Kolkata, Office at Garden Reach,
P.O.-Garden Reach, P.S.-West Port, District-
Kolkata-700043.

..... ... Appellant

Versus

1. Smt. Dili Sawaiyan, wife of Late Gandhi
Sawaiyan
2. Karan Sawaiyan, Minor Son of Late Gandhi
Sawaiyan, represented through his natural
guardian/mother-respondent No. 1.
3. Dara Singh Sawaiyan, brother of Late Gandhi
Sawaiyan.

All 1, 2 and 3 are resident of Village-
Mohalla-Kudahatu, P.O.-Chaibasa, P.S.-Jhinkpani,
District-West Singhbhum (833212).

..... ... Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant : Mrs. Leena Mukherjee, Advocate.

13/ 12.06.2025 Heard Mrs. Leena Mukherjee, learned counsel appearing
for the appellant.

2. This appeal has been preferred against the judgment / award
order dated 08.03.2016, passed by the learned Railway Claims
Tribunal, Ranchi Bench, Ranchi, in Case No.
O.A.(IIU)/RNC/123/2016, whereby the claim for compensation has
been allowed by the learned tribunal.

3. Learned counsel appearing for the appellant submits that
the awarded amount has already been deposited before the learned
court and only the ground of challenge in the present appeal is there
with regard to interest awarded by the learned tribunal. She submits that

in light of the judgment of Hon'ble Supreme Court in the case of *Union of India Versus Rina Devi*, reported in (2019) 3 SCC 572, the interest has been wrongly calculated and in view of that she submits that part of the award may kindly be modified.

4. From the impugned award, it transpires that the untoward incident had taken place on 24.01.2016, wherein the deceased Gandhi Sawaiyan was travelling after purchasing a general ticket from Maluka Station to Jhinkpani Station. When the said train reached near Jhinkpani Station, the deceased fell down from the running train due to over crowding, jostling and heavy pressure of inside passengers, as a result the deceased had received grievous injuries and due to that he died on the spot after some time. FIR was lodged by the GRP/Dongowaposi bearing U.D. Case No. 02/2016 dated 24.01.2016.

5. The learned tribunal has appreciated the documents as well as the oral evidences of the witnesses and has found that the deceased died due to fall from the train and the untoward incident has taken place, in view of that the learned tribunal has directed the appellant-Railway to pay a sum of Rs. 8,00,000/- in light of the notification dated 22.12.2016 under G.S.R. 1165(E), by which the compensation was amended in the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2016 and further directed to pay the same with interest @ 6% per annum from the date of filing of the claim application i.e. 24.08.2016 till the date of judgment and if the amount is not paid within 90 days, interest thereafter will be paid @ 9% per annum simple till the date of actual payment.

6. It appears that the learned court has rightly passed the said order in light of the judgment of the Hon'ble Supreme court in the case of *Rina Devi (Supra)*, on which, much reliance has been placed by the

learned counsel appearing for the appellant. The interest part has been decided by the Hon'ble Supreme Court in para-30 of the said judgment, which is quoted hereinbelow:-

“30. As already observed, though this Court in Thazhathe Purayil Sarabi (supra) held that rate of interest has to be at the rate of 6% from the date of application till the date of the award and 9% thereafter and 9% rate of interest was awarded from the date of application in Mohamadi (supra), rate of interest has to be reasonable rate at par with accident claim cases. We are of the view that in absence of any specific statutory provision, interest can be awarded from the date of accident itself when the liability of the Railways arises upto the date of payment, without any difference in the stages. Legal position in this regard is at par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner.”

7. In view of the above, the court finds that there is no illegality in the impugned judgment / award. As such, this appeal is dismissed.

8. It has been pointed out by the learned counsel appearing for the appellant herein that the amount has already been deposited before the learned court, in view of that if the disbursal has not been made as yet to the claimants, the same shall be disbursed to the claimants on proper verification.

(Sanjay Kumar Dwivedi, J.)

Amitesh/-