

RAILWAY CLAIMS TRIBUNAL: BHOPAL BENCH**HONBLE SHRI ALOK KUMAR SHUKLA, MEMBER (TECHNICAL)**

Claim Application No. OA/II(u)/BPL/66/2019

Date of Institution : 15.03.2019

Date of Argument : 22.09.2023

Date of Decision : 05.10.2023

1. श्रीमती पुष्पा बाई पाल, पत्नी स्व. दिनेश कुमार पाल
 2. झलचन्द्र पाल, s/o स्व. श्री दिनेश कुमार पाल
 3. अर्जुन सिंह पाल, d/o स्व. श्री दिनेश कुमार पाल
- सभी निवासी 379, बार्ड नो. 14,
चक्की के पास मानागाँव,
तहसील मानागाँव जिला
होशंगाबाद (म.प्र.)

APPLICANTS

Versus

1. Union of India, through
General Manager
West Central Railway
Jabalpur
2. श्रीमती उमा बाई पाल
पुत्री स्व. श्री दिनेश कुमार पाल
w/o तुलसी राम पाल
निवासी बार्ड नो. 7 पोस्ट पामनी
तेह सोरगपुर जिला होशंगाबाद (म.प्र.)
3. श्रीमती मोनिका पाल
पुत्री स्व. श्री दिनेश कुमार पाल
w/o विशाल पाल
वर्ष निवासी बार्ड न. 5 मैगजीन लाइन परासिया
जिला छिंदवाड़ा (म.प्र.)

RESPONDENT

Claim for Rs. 8,00,000/-

Shri Ashok Shrivastava, Counsel for Applicant

Shri Om Shankar Shrivastava, Counsel for Respondent

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Issue No. 5: Relief & Cost

18. Applicants under Part-I of the Schedule of the Railway Accidents & Untoward Incidents (Compensation) Rules, 1990, as amended in 1997 and 2016, are jointly entitled to Rs 8,00,000/- as compensation on account of the death of the deceased in an untoward incident. I apportion the amount of compensation to the applicants as under and Issue No.5 is decided accordingly :-

S.No.	Name	Relationship with the deceased	Amount in (Rs)
1.	Pushpa Bai Pal	wife	4,00,000/-
2.	Dalchandra Pal	son	1,00,000/-
3.	Arjun Singh Pal	son	1,00,000/-
4.	Uma Bai Pal	married daughter	1,00,000/-
5.	Monica Pal	married daughter	1,00,000/-
		Total	8,00,000/-

19. The claim application is allowed on contest without costs. The following order is passed :-

ORDER

20. Respondent Railway Administration is hereby directed to pay jointly Rs 8,00,000/-(Rupees eight lakhs) only alongwith interest @ 9% p.a. from the date of incident till the date of realization, to the aforesaid dependants of the deceased as compensation.
21. The aforesaid applicants are hereby directed to furnish their fresh Bank account particulars of a nationalised bank, situated nearest to their place of residence, to the Respondent Railway as well as to the Addl. Registrar of this Tribunal within a period 30 days from the date of receipt of this Order.
22. The Respondent Railway shall endeavour to make payment as early as possible, but not beyond 60 days from the date of receipt of copy of the Award passed by Tribunal in compliance of the directions of Railway Board letter No. 2021/TC-III/2610 dated 29.09.2021.

23. If the Respondent fails to deposit the compensation amount within 60 days from the date of receipt of copy of Award, the respondent



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shall pay further interest @ 12% from the date of receipt of copy of award till the date of actual payment.

24. We may notice that in *Geeta Devi Vs. Union of India*, Delhi High Court had observed as under:

*5.1. Many of the claimants are drawn from rural areas with low levels of literacy and lower levels of making appropriate decision for the use of amounts guaranteed under the awards. There are several instances of their exploitation by middlemen and touts operating in the field. The scope of such exploitation is itself one of the incentives for fomenting bogus claims, fabricated documents and duplicate claims in different Benches of the Tribunal for the same cause of action. The availability of bulk funds in the name of an ill-informed claimant is also a cause for exploitation. A scheme for protection of the amount due to such a claimant is the need of the hour. Earlier, this Court has involved 21 Nationalised Banks in dialogue to evolve a scheme of annuities for disbursement of claims. They have been ordered already to be implemented in this case, vide directions passed on 22nd February, 2019. This scheme as applied to motor accident claims has been approved by the Supreme Court in its order dated 05th March, 2019 in *Krishnamurthi versus New India Insurance Company*, SLP(C) No.31521-31522 of 2017. A statutory rule backing will therefore, best serve the interest of the litigant in the manner set out below:*

25. In pursuance of the above Orders passed by the Delhi High Court, Government of India has issued a Notification on 3rd of June, 2020, amending Railway Accidents & Untoward Incidents (Compensation) Amendment Rules, 2020, amending Rule 5, which reads as under:
26. The new bank a/c(s) shall be opened with following conditions;
- i) No ATM/Debit Card should be issued.
 - ii) No cheque book should be issued.
 - iii) Electronic transfer of funds shall be disabled.
 - iv) Mobile or Internet banking facility will also be disabled.
27. The Bank shall not release any amount received by the bank, unless the governing conditions of payment framed by this Tribunal is conveyed to the Nodal Bank through Respondent Railway.



Sd/-

28. If the Claimant(s) are not willing to open fresh bank account(s), the concerned bank shall cancel cheque book and/or ATM/Debit Card (if issued), Electronic transfer and Mobile Internet banking facility, before the disbursement of the awarded amount and shall stamp the passbook to this effect.
29. Withdrawal by the Claimant (s) will be only through withdrawal form(s).
30. Registry shall take the following documents on record from the Applicant(s):
 - (a) Details of the Bank Account(s) of the Applicant(s) near the place of their residence with the necessary endorsement.
 - (b) Aadhaar Card and PAN Card or any other appropriate ID card; and
 - (c) Two sets of photographs and specimen signatures of the Applicant(s).
31. Registry shall examine whether the Claimant(s) are entitled to exemption of deduction of TDS and if so, the Claimant(s) shall submit Form 15G or Form 15H (for senior citizen) to the Presenting Officer of the Railways (as applicable under sub-section (2) of section 19 of the Railway Claims Tribunal Act, 1987) so that no TDS is deducted.
32. Transfer of Account(s) shall not be allowed, except with the permission of the Tribunal.
33. Respondent Railway, after receiving the particulars of the bank account of all the applicants shall verify and transmit all the details of the same to Additional Registrar, RCT/Bhopal, and thereafter,
34. Respondent will deposit the entire amount of awarded compensation and interest through RTGS in the Suits Account No. 10064520760 IFSC Code SBIN0005798 (State bank of India, Shivaji Nagar Branch, Bhopal, under advice to Additional Registrar within a period of 60 days from the date of communication of the Award.



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35. It is further directed that the Respondent shall issue necessary instructions to the Sutors Bank to not to release any amount from the said fixed deposit amount till the order in original to this effect from this Tribunal, is received by the Sutors Bank.
36. The Claimant(s) be directed to produce the copy of the Order passed by the Railway Claims Tribunal before the concerned bank whereupon the bank be directed to make an endorsement on the passbook regarding compliance of conditions imposed by the Court. The Claimant(s) be directed to produce the passbook with the necessary endorsement as well as Aadhaar Card, PAN Card or any other appropriate ID Card before Respondent.
37. Before disbursement of the award amount, Respondent Railway shall satisfy himself that the savings bank account(s) of the Claimant(s) is nearest to the place of their permanent residence and an endorsement has been made by the bank on the passbook of the Claimant(s) to the effect that no cheque book(s) and/or debit card(s) shall be issued to the Claimant(s) without prior permission of Railway Claims Tribunal.
38. In order to ensure safety of the amount so deposited, the bank shall not permit any addition in the individual saving bank account except where this is necessary i.e. in case of minor(s).
39. To protect the amount from being frittered away, the amount shall be deposited/released in the following manner.
40. Applicant (1) above, namely Pushpa Bal Pal, being wife of deceased, she shall be permitted to withdraw 10% of her share of awarded compensation, alongwith her share of interest, thus accrued and the remaining amount shall be split equally and kept in 60 fixed deposit accounts, in her name for the period of 01 month to 60 months payable on the specified date of every month alongwith

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सहायक फंडींग
रेल दावा अधिकरण
गोपाल पेंट, नया दिल्ली

cumulative interest. No loan or encumbrance shall be created on this Fixed Deposit.

41. Applicants (2) & (3) above, namely Dalchandra Pal and Arjun Singh Pal, being adult sons of deceased, they shall be permitted to withdraw 10% of their respective share of awarded compensation, alongwith respective interest, thus accrued and the remaining amount shall be split equally and kept in 120 fixed deposit accounts, in their respective names for the period of 01 month to 120 months payable on the specified date of every month alongwith cumulative interest. No loan or encumbrance shall be created on these Fixed Deposits.
42. Respondents (2) & (3) above, namely Smt. Uma Bai Pal and Smt. Monica Pal, being married daughters of deceased, they shall be permitted to withdraw 10% of their respective share of awarded compensation, alongwith respective interest, thus accrued and the remaining amount shall be split equally and kept in 120 fixed deposit accounts, in their respective names for the period of 01 month to 120 months payable on the specified date of every month alongwith cumulative interest. No loan or encumbrance shall be created on these Fixed Deposits.
43. The original fixed deposit(s) Receipts shall be retained by the bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the Claimant(s).
44. The maturity amounts of the FDR(s) be credited by Electronic Clearing System (ECS) in the savings bank account of the Claimant(s) near the place of their residence.
45. No. loan, advance, withdrawal or pre-mature discharge be allowed on the fixed deposits without permission of the Court.



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46. The copy of the Order be sent to the Nodal Officer/Branch Manager of the State Bank of India for complying with the above directions.
47. Railway shall place on record the proof of deposit of the award amount with up to date interest alongwith a calculation sheet.
48. Upon such proof being filed, Registry shall ensure that the interest up to the date of notice of deposit has been deposited by the Railways.
49. The Original Claim Application stands disposed off accordingly.
50. Registry is directed to send a copy of this judgement to the parties.
51. Parties to bear their own costs.
52. Registry will report compliance within 90 days of this Order.
53. Let the case file be consigned to the record room after due compliance.

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(ALOK KUMAR SHUKLA)
MEMBER (TECHNICAL)
RCT/BPL

Dictated to Steno, transcribed by her, corrected, signed and pronounced by me on this day of 05, October, 2023



30/10/23
सहायक पंजीयक
रेल दवा अधीकरण
भोपाल पीठ, भोपाल

(ALOK KUMAR SHUKLA)
MEMBER (TECHNICAL)
RCT/BPL