BEFORE THE LOK ADALAT
AT RAILWAY CLAIMS TRIBUNAL, KOLKATA BENCH

C. A. No. **OA(IIu)/KOL/0202/2023**

Date of Filing **: 29.08.2023**

Decided on **: 15.03.2024**

Members Present :Shri Sanjay Singh Gehlot, Hon'ble Vice-Chairman, RCT/Kolkata
Shri Rajeev Jain, Hon'ble Member (Judicial), RCT/Kolkata

1. Bijay Tanti, son of the deceased.
2. Rita Devi, daughter of the deceased.
3. Chanda Devi, daughter of the deceased.

residing at Maheshpur, Sanhoula, Dist. – Bhagalpur, Bihar, PIN - 813205.

................Applicants

Versus

Union of India through GM/Eastern Railway ....Respondent

Present : Sk. Imtiaz Hossain, Ld. Counsel for the applicant.
Smt. Rama Chakraborty, Ld. Counsel for the respondent.

The compromised decree of Rs.**8,00,000/-** (**Rupees eight lakhs only**) in full quit of all claims shall be distributed between the claimants in the following proportions. The amount shall be deposited by the respondent within 60 days from the date of this order, failing which the amount determined will attract interest @ 12% per annum from the date of default till the date of actual deposit of the amount by the respondent with the Registry of this Bench. The applicants have agreed to accept the decreed amount in Annuity Method.

Name of applicants		Amount
1. Bijay Tanti, son of the deceased	....	: Rs.4,00,000/-
2. Rita Devi, daughter of the deceased	....	: Rs.2,00,000/-
3. Chanda Devi, daughter of the deceased	....	: Rs.2,00,000/-
		Rs.8,00,000/-

The following will form part of the above order :

(i) The respondent railway is directed to deposit the amount awarded with the Registrar of this RCT within a period of 60 days from the date of this order.

(ii) The applicants no.**1** is permitted to withdraw 10% i.e. Rs.**40,000/-**. The balance amount i.e. Rs.**3,60,000**/- each shall be split into 36 fixed deposits of Rs.**10,000**/- and invested for a period of 1 to **36** months in the ascending order separately. The bank shall release the amount with accumulated interest upon maturity of each of these deposits to the credit of Bank A/c of the applicant no.1.

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(iii) The applicants no.**2 & 3** are permitted to withdraw 10% i.e. Rs.**20,000/- each**. The balance amount i.e. Rs.**1,80,000**/- each shall be split into 18 fixed deposits of Rs.**10,000**/- and invested for a period of 1 to 18 months in the ascending order separately. The bank shall release the amount with accumulated interest upon maturity of each of these deposits to the credit of Bank A/c of the applicant no.2 & 3.

(iv) Directions contained in (ii) above are in conformity with the orders dtd.21.04.2017, 24.05.2019 and 06.11.2019 passed by Hon'ble High Court of Delhi in "FAO 22/15 and CMA No.4501/15 in Geeta Devi Vs. Union of India."

(v) If the claimants are entitled to exemption of deduction of TDS, they shall submit Form 15G or Form 15H (for senior citizen) to the Presenting Officer of the respondent railway (as applicable under sub-section (2) of Section 19 of the Railway Claims Tribunal Act, 1987) so that no TDS is deducted.

(vi) The claimants are directed to open individual savings bank account in a nationalized bank near the place of their permanent residence. The bank is directed not to permit any joint name(s) to be added in the savings bank account or fixed deposit account of the claimant(s) i.e. the savings bank account of the claimants shall be an individual savings bank account and not a joint account.

(vii) The concerned bank is directed not to issue any cheque book(s) and/or debit card(s) to the claimant(s). If the same have already been issued, the bank is directed to cancel the same before the disbursement of the award amount and the bank shall freeze the account of the claimant(s) so that no debit card is issued in respect of the account of the claimant(s) from any other branch of the bank. The bank is directed to make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card have been issued and shall not be issued to the claimant(s) without the permission of the Railway Claims Tribunal. The concerned bank of the claimant(s) is directed to permit the claimant(s) to withdraw money from savings bank account by means of a withdrawal form only. The claimant(s) are directed to produce the copy of the order passed by the RCT before the concerned bank whereupon the bank be directed to make an endorsement on the passbook.

(viii) The original fixed deposits 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). The monthly interest to be credited by ECS in the savings bank account of the claimants near the place of their

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residence. The maturity amounts of the FDRs be credited by ECS in the savings bank account of the claimants near the place of their residence. The bank shall not grant any loan, advance, withdrawal or pre-mature discharge on the fixed deposits without permission of the RCT.

(ix) That the respondent is directed to deposit the amount awarded with the Registry of this RCT within a period of 60 days from the date of this order, failing which, the claimants shall be entitled to interest @ 12% per annum from the date of default till the date of actual deposit of the amount with the Registry of this Bench.

(x) Directions contained above are in conformity with the Ministry of Railways (Railway Board) Notification dtd.3rd June, 2020 under GSR 347 (E) which has come into effect on 1st day of January, 2020.

Accordingly, the claim application filed by the applicants stands disposed of.

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(Rajeev Jain)	(Sanjay Singh Gehlot)
Member (Judicial)	Vice-Chairman
(LokAdalat Member)	(LokAdalat Member)