

लोक अदालत, पटना के समक्ष

BEFORE THE LOK ADALAT, AT PATNA

(For the settlement of Railway Claims before

RAILWAY CLAIMS TRIBUNAL, PATNA BENCH)

Presiding Officer: Dr. Madhukar Sinha, Lok Adalat Member

No. OA(IIu)/PNBE/96/2022

Date of Registration : 27.06.2022

Date of decision : 22.06.2024

Bevi Devi @ Beby Devi

R/o Village/ Mohalla- Sobhini,
P.O.- Sobhini, P.S.- Surajgarha,
Dist- Lakhisarai,
Bihar

- Applicant/s

Versus

1. Union of India, through the General Manager,
Eastern Railway, Kolkata.

2. Nivesh Kumar

R/o Village/ Mohalla- Sobhini,
P.O.- Sobhini, P.S.- Surajgarha,
Dist- Lakhisarai,
Bihar

3. Suprita Kumari

R/o Village/ Mohalla- Jakhaur,
P.O.- Sarai Bigha, P.S.- Biru pur,
Dist- Lakhisarai,
Bihar

- Respondents

Present: Shri Pramod Kumar, Ld. Adv. for the applicant

Shri R.K. Sharma, Ld. Adv. and Presenting Officer for Respondent.

AWARD PASSED IN THE LOK ADALAT

(IN TERMS OF THE SETTLEMENT ARRIVED AT BETWEEN THE PARTIES)

1. The parties to the claim application and their counsels have mutually agreed to settle the claim on ₹ 8,00,000/- (Rupees Eight Lakhs Only) today in Lok Adalat in OA(IIu)/PNBE/96/2022, pertaining to

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death of Bittu Kumar, aged about 25 years, pending before the Railway Claims Tribunal, Patna. The joint memo/ compromise has been Verified & Accepted by this Tribunal today in Lok Adalat.

2. Joint Memo of settlement arrived at between the parties to the claim is annexed herewith and the same is marked as Annexure S-1 and the statement given by Bevi Devi @ Beby Devi on behalf of the applicants stating that she is satisfied with the claim amount offered by the railway administration. However, Nivesh Kumar (father of the deceased) and Suprita Kumari (wife of the deceased) appeared as Performa respondent in instant case. The copy of the certificate showing family members on record. As per Original Application and cross- examination Suprita Kumari is the wife of the deceased. As per Section 123(b) (i), Bevi Devi @ Beby Devi (mother of the deceased), Nivesh Kumar (father of the deceased) and Suprita Kumari (wife of the deceased) are the only dependents of the deceased within the meaning of section 123 (b) of the Railways Act, 1989 and are entitled to the Claim Amount prescribed under Part-I of the schedule appended to Rule 3(3) of the Railway Accidents and Untoward Incidents (compensation) Rules, 1990 as amended on 22.12.2016.
3. The respondent Railway Administration is hereby directed to deposit the amount of ₹ 8,00,000/- with the Additional Registrar of this Tribunal within a period of 30 days from the date of communication of the award failing which the applicants shall be entitled to receive interest @ 9% per annum from the date of this award till the actual date of depositing the amount with the Additional Registrar.
4. The total award amount of ₹ 8,00,000/- (Rupees Eight Lakhs Only) shall be apportioned between the dependents as under:-

Sl. No.	Name of the Applicant(s)	Relationship with deceased	Age in years	Amount Awarded (Rs.)	Amount to be paid to the applicants immediately through ECS by NEFT/RTGS to the SB Account	Amount to be invested in fixed deposit scheme of Nationalized Bank for a period of 5 years and the interest accrued thereon to be credited to SB Account of the applicant.
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1.	Bevi Devi @ Beby Devi	mother	50	₹1,00,000	₹10,000	₹90,000
2.	Nivesh Kumar	father	53	₹1,00,000	₹ 10,000	₹90,000
3.	Suprita Kumari	wife	23	₹6,00,000	₹ 60,000	₹5,40,000

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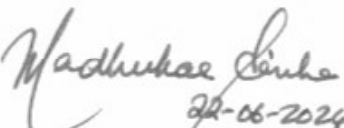
5. MODE OF PAYMENT:

- i) The applicants are hereby directed to submit the details of their Aadhaar linked Bank accounts of a Nationalized Bank mentioned in the schedule Annexure-I of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, situated nearest to their place of residence to the Additional Registrar of this Tribunal.
- ii) If the claimant(s) are entitled to exemption of deduction of TDS, they shall submit Form 15-G or Form 15-H (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.
- iii) The Bank shall not permit any joint name(s) to be added in the saving bank account or fixed deposit account of the applicants *i.e.*, the Saving Bank Accounts of the applicants shall be an individual Saving Bank Account and not a Joint Account.
- iv) The monthly interest be credited by Electronic Clearing System (ECS) in the Saving Bank Account of the applicant.
- v) The maturity amount of the FDRs be credited by Electronic Clearing System (ECS) in the Saving Bank Accounts of the applicants.
- vi) No loan, advance, withdrawal, or pre-mature discharge be allowed on the fixed deposit without permission of the Tribunal.
- vii) The concerned Bank shall not issue any cheque book and/or debit card to the applicant(s). However, in case the debit card and/or cheque book have already been issued, Bank shall cancel the same before the disbursement of award amount. The Bank shall freeze the account of the applicants so that no debit card be issued in respect of the account of the applicants from any other Branch of the Bank.
- Viii) The Bank shall make an endorsement on the passbook of the applicant to the effect that no cheque book and/or debit card have been issued or will be issued without the permission of the Tribunal and the applicants shall produce the passbooks with the necessary endorsement duly signed and stamped by the Bank before the Additional Registrar of this Tribunal. The Bank is

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further directed to permit the applicant to withdraw money from his/her Saving Bank Accounts by means of a withdrawal form only.

- ix) The Respondent Railway Administration is also directed to place on record the proof of deposit of the award amount with up-to-date interest, if any along with a calculation sheet and the same shall be filed with the Additional Registrar.
6. The parties shall abide by the above directions in this order.
7. The Registry shall hand over a copy of this order to the Applicant(s) and the Respondent separately and also send copy of Order to the permanent address of the applicant through registered post with acknowledgement.


22-06-2024

(Dr. MADHUKAR SINHA)

LOK ADALAT MEMBER

RCT/PATNA

22.06.2024