



2026:AHC:58218

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10460 of 2026

Noorjahan Khatun

.....Petitioner(s)

Versus

Union Of India Represented And Another

.....Respondent(s)

Counsel for Petitioner(s)	: Ashok Kumar Singh, Gaurav Singh
Counsel for Respondent(s)	: A.S.G.I., Anju Srivastava

Court No. - 5

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard Sri Ashok Kumar Singh, learned counsel for the petitioner, Sri Anju Srivastava, learned counsel for the respondent and perused the record.

2. The solitary grievance of the petitioner is that the amount of Rs. 80,000/- has been directed to be released in favour of the claimant/petitioner by the impugned award of the Railway Accident Claims Tribunal dated 02.12.2025 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for death caused to the son of the present petitioner in a railway accident.

3. A perusal of the record reveals that in a railway accident occurred on 05.06.2022, Md. Fatkan, son of the petitioner suffered fatal injuries and died. Arising therefrom, the petitioner instituted a claim petition on 10.10.2022. It has been decided on 02.12.2025, almost three years after the occurrence of the accident. Even then, by that award, the Tribunal has awarded Rs. 8,00,000/- to the petitioner.

4. The Tribunal has provided for release of Rs. 80,000/- to the petitioner and the balance is to be deposited in Fixed Deposit for a period of three years.

5. Petitioner is aggrieved by the wholly inadequate amount directed to be released, in a mechanical manner. Looking at the total compensation awarded, a sum of Rs. 80,000/- would be released at present though the

petitioner claim that compensation of Rs. 8,00,000/- has been awarded. At present, the petitioners pray for release of entire awarded amount.

6. On the other hand, learned counsel for the Railways would submit that the order restraining release of ninety per cent of the award is only in the interest of the petitioners as they are likely to receive a higher amount after three years upon accrual of interest.

7. Having heard learned counsel for the parties and having perused the record, while there can be no dispute to the principle universally applied in such cases where part compensation amount is released at the time of the award being made and the balance amount is invested for the benefit of the claimants, at the same time, it cannot be applied as a rule of thumb in all cases. In that, individual facts and circumstances must dictate the exercise of discretion, in such matters. The claimant who lost her son and on who certain dependency may also be claimed cannot be forced to litigate for years to earn an award of compensation and then be made to wait for further years to receive that compensation owing to exercise of discretion by the Court, ostensibly in the interest of such claimant.

8. Therefore, the above principle invoked by the learned Tribunal must be blended with practicality so as to release a reasonable amount, keeping in mind the overall circumstances of the case.

9. In the present case, petitioner is mother of the deceased, she has waited for almost three years from the occurrence of death for award of the compensation. The compensation awarded at the moment is also not excessive but a modest sum of Rs. 8,00,000/-.

10. Accordingly, the award dated 02.12.2025 shall stand modified.

11. Let 75% of the awarded amount i.e. Rs. 6,00,000/- along with proportionate interest be released in favour of the petitioner within a period of four weeks from the date of production of certified copy of this order. The balance amount shall be invested and retained in highest bearing term deposit in a nationalized bank for a period of three years.

12. With the above observations, the present writ petition is disposed of.

13. It is made clear that any amount paid in compliance of the award may be adjusted against the amount to be released in pursuance of this order.

14. Also, this order has been passed independent of the right of the petitioners to claim enhancement, if advised.

(Manish Kumar Nigam,J.)

March 19, 2026

Nitika Sri./Rishabh