



2026:AHC:57948

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10555 of 2026

Smt. Shivkaliya Devi

.....Petitioner(s)

Versus

Union Of India And Another

.....Respondent(s)

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

Court No. - 5

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard Sri Ashok Kumar Singh, learned counsel for the petitioner, learned Central Government Counsel for the respondent no. 1 and perused the record.

2. The solitary grievance of the petitioner is that only Rs. 80,000/- of the amount has been directed to be released in favour of the claimant/petitioner by the impugned award of the Railway Accident Claims Tribunal dated 01.01.2026 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for death caused to the son of the petitioner in a railway accident.

3. A perusal of the record reveals that in a railway accident occurred on 01.06.2022, Govind Nishad, son of petitioner suffered fatal injuries and died on the spot. Arising therefrom, the petitioners instituted a claim petition on 24.06.2022 which has been decided on 01.01.2026, almost four 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 petitioners claim that compensation of Rs. 8,00,000/- has been awarded. At present, the petitioner prays for release of at least seventy five per cent of the

awarded amount to the petitioner.

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 petitioner as she is 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/petitioner 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 claimants.

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 the mother of the deceased who is aged about 70 years. She has waited for four 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 prayer made by learned counsel for the petitioner for release of at least seventy five per cent of the awarded amount to the petitioner, is found to be wholly just and proper. Accordingly, the award dated 01.01.2026, 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 20, 2026
Ved Prakash