



2026:AHC:56750

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10331 of 2026

Virendra Paswan @ Virendra Ram And Another

.....Petitioner(s)

Versus

Union of India

.....Respondent(s)

Counsel for Petitioner(s)	:	Mukti Nath Pandey, Pashupati Nath Pandey
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 5

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard Sri Pashupati Nath Pandey, learned counsel for the petitioners, Sri Prem Narayan Rai, learned counsel for the respondent and perused the record.

2. The solitary grievance of the petitioners is that the amount of Rs. 80,000/- has been directed to be released in favour of the claimant/petitioners by the impugned award of the Railway Accident Claims Tribunal dated 12.01.2024 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for death caused to the son of the present petitioners in a railway accident.

3. A perusal of the record reveals that in a railway accident occurred on 10.08.2018, Ranjan Kumar, son of the petitioners suffered fatal injuries and died. Arising therefrom, the petitioners instituted a claim petition on 19.12.2018. It has been decided on 12.01.2024, almost six years after the occurrence of the accident. Even then, by that award, the Tribunal has awarded Rs. 8,00,000/- (in all) to the petitioners.

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

5. Petitioners are 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 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 claimants who lost their 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, petitioners are parents of the deceased. They have waited for almost six 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 12.01.2024 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 petitioners 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.