

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.91 of 2017

1. Smt. Sushila Kerketta,
 2. Manjit Kumar Murmu
 3. Rohit Murmu
 4. Smt. Snehlata Murmu
- All are residents/ Mohalla Post Office Toli, DS Lane,
P.O. & P.S. Simdega, District Simdega – 835223
(Jharkhand) **Appellants**

Versus

Union of India through the General Manger, East Central
Railway, P.O. & P.S. - Hajipur, Hajipur **Respondent**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Appellants	: Mr. Manish Kumar, Advocate Mr. Sumit Gautam, Advocate Mr. Prabhat Kumar, Advocate
For the Respondent	: Mr. Gautam Rakesh, Advocate

07/Dated: 31st August, 2017

1. This present appeal is directed against the judgment/ award dated 21.01.2016, passed by the Member (Judicial) & Member (Technical), Railway Claims Tribunal, Ranchi in Case No.OA (IIU)/ RNC/ 2013/ 0056, whereby the tribunal while granting compensation of Rs.4,00,000/- to the claimants has not awarded any interest on the aforesaid amount.

2. Learned counsel for the appellants has submitted that the Tribunal has directed the respondent-railways to pay the compensation amount within a period of 90 days, failing which, the respondent/ railways are liable to pay interest @9% per annum till the date of actual payment. It is argued that the Tribunal should have directed the payment of interest @9% from the date of filing of the claim application till the payment. In support of the contention learned counsel has relied on the decision of the Supreme Court rendered in the case of *Tahazthe Purazil Sarabi & Ors. Vs. Union of India and Anr.*, reported in (2009), 7 SCC, 372.

3. Learned counsel for the respondent-railway has submitted that there is no illegality or irregularity in the impugned award as there is no provision under the Railway Act for awarding of interest and the appellants had also not claimed for any interest on the awarded compensation at the time of filing of the claim application.

4. Heard. It is well settled that Section 124A is based on the principle of no fault liability. It is the statutory liability of the Railways to pay compensation and in view of the decision rendered in the case of *Tahazhthe Purazil Sarabi (Supra)*, the impugned judgment/award is modified to the extent that interest at the rate of 9% shall be paid on the awarded compensation amount of Rs.4,00,000/- from the date of filing of the claim application till date of realization, within three months from the date of receipt/ production of copy of this order, failing which the it shall be liable to pay interest @12% per annum.

5. With the said modification in the impugned judgment/award, this appeal is, hereby, allowed.

(AMITAV K. GUPTA, J.)

Chandan/-