



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3459]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

CIVIL MISCELLANEOUS APPEAL NO: 1103/2012

Between:

1. KOLLURU SAJEEVAN, S/O BABURAO, R/O RAJESWARIPOET,
11TH WARD, NAGAYALANKA VILLAGE AND MANDAL, KRISHNA
DISTRICT.

...APPELLANT

AND

1. UNION OF INDIA REP BY ITS G M, Rep. by its General Manager, South
Central Railway Secunderabad.

...RESPONDENT

Appeal Under Section _____ against orders

IA NO: 1 OF 2013(CMAMP 5456 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 1 OF 2015(CMAMP 18231 OF 2015)

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 1 OF 2016(CMAMP 36304 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased

Counsel for the Appellant:

1.SUBBA RAO KORRAPATI

2.K ARUNA(SC FOR APGENCO)

Counsel for the Respondent:

1.J U M V PRASAD (CENTRAL GOVERNMENT COUNSEL)

2.E SAMBASIVA PRATAP

The Court made the following JUDGMENT:

This appeal is filed challenging the judgment and decree dated 23.08.2002, passed in O.A.A. No. 231 of 2007 on the file of the Railway Claims Tribunal, Secunderabad.

2. Heard learned counsel for the appellant and learned Standing Counsel for the respondent.

3. The appellant, aged 29, fell from a moving train on 11.06.2007, resulting in tragic and severe injuries, including the amputation of his right leg and multiple injuries across his body. A claim for compensation was filed under Section 16 of the Railway Claims Tribunal Act, 1987, in conjunction with Sections 124 and 124A of the Railway Act, 1989, seeking Rs.4,00,000. On 23.08.2018, the Original Application Award was partly granted, directing the respondents to pay Rs.2,80,000.

4. Aggrieved by the award, the petitioner has filed the present CMA before the Court. During the proceedings, the petitioner's counsel submitted the amended rules of The Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, which specify that Serial No. 18 of Part III of the Schedule states as follows.

“18. For amputation below the hip with a stump exceeding 5” in length, measured from the tip to the great trochanter, but not beyond the middle thigh - Rs.5,60,000/-“

5. The learned counsel for the appellant cited paragraphs 14 and 15 of the judgment delivered by the Hon'ble Supreme Court in **Rathi Menon v. Union of India**, where it was held that compensation for railway accidents should be based on the Rules in effect at the time of adjudication, not at the time of the accident. The Court further emphasized that the purpose of the Railways Act is to ensure just and reasonable compensation for victims. Using outdated

rates results in inadequate compensation due to the devaluation of money over time.

6. It is pertinent to mention Section 124-A of the Indian Railways Act, 1989, which reads as follows:

“When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger, who has been injured or the dependant of a passenger who has been killed, to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to a passenger as a result of such untoward incident.”

7. The learned counsel representing the respondent states that the OAA awarded Rs. 2,60,000. Following the enactment of the amendment effective from 1990, the petitioner is entitled to claim the remaining balance. Initially, the respondent paid Rs. 2,80,000 in compensation. Due to the amendment, the petitioner's entitlement increased to Rs. 5,60,000. Since the respondents have already paid Rs. 2,80,000, the petitioner is now entitled to the outstanding balance.

8. Therefore, after considering the submissions of both parties, the amendments made by the Railway Department, and the Supreme Court's judgment in **(2001) 3 Supreme Court Cases 714**, the petitioner is entitled to receive Rs. 5,60,000 as listed at Serial No. 18, Part III of the Schedule. Since the Respondents have already deposited Rs. 2,80,000, the petitioner is entitled to claim the remaining Rs. 2,80,000.

9. The respondents are therefore directed to release the remaining amount within four (4) months from the date they receive a copy of this order. Failure to do so will entitle the petitioner to 12% interest on the delayed compensation. With these observations, the CMA is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE SUMATHI JAGADAM

Dated: 04.12.2025
RSD

256

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM**CIVIL MISCELLANEOUS APPEAL NO: 1103/2012**Dated: 04.12.2025
RSD