

GAHC010146132025



2026:GAU-AS:2532

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MFA/24/2025

ABDUL KHALEK AND ANR.
S/O. LT. ABDUL JABBAR

2: MAMTAZ BEGUM
W/O. ABDUL KHALEK

BOTH ARE R/O. GAREMARI HABI
P/O. PALHAZI
P/S. BARPETA
DIST. BARPETA
ASSAM
PIN-781309

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE GENERAL MANAGER, EAST CENTRAL RAILWAY, HAJIPUR,
DIST. VAISHALI, PIN-844101, BIHAR.

2: THE MANAGER
UCO BANK
BARPETA BRANCH
P/O. P/S. AND DIST. BARPETA
ASSAM
PIN-781301

Advocate for the Petitioner : MD. S Z B AKLAS, M HOSSAIN, MR. A M S MAZUMDER

Advocate for the Respondent : SC, RAILWAY, MR. S P CHOUDHURY (C.G.C)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

18.02.2026

[1] Heard Mr. M. Hossain, the learned counsel for the appellants. Also heard Mr. S.P. Choudhury, the learned Central Government Counsel appearing for the respondents.

[2] This appeal under Section 23 of the Railway Claims Tribunal Act, 1987 has been filed by the appellants, namely, Abdul Khalek and Mrs. Mamtaz Begum, impugning the order dated 30.05.2025, passed by the Railway Claims Tribunal, Guwahati Bench in MA No. 31/2025 arising out of OAIU-78/2023, whereby the application filed by the present appellants for premature disbursement of their fixed deposits of the part of the claim amount was rejected by the Claims Tribunal.

[3] The learned counsel for the appellants has submitted that the present appellants, along with their minor daughters had preferred a claim case before the Railway Claims Tribunal due to accidental death of their son on 17.06.2019 near Bhagawanpur Station Railway Crossing Gate No. 36. The said claim filed by the appellants under Section 16 of the Railway Claims Tribunal Act, 1987 was registered as OAIU-78/2023 and by its judgment dated 26.06.2024, the Railway Claims Tribunal, Guwahati Bench allowed the application and awarded the compensation to the extent of Rs.

8,00,000/- (Rupees Eight Lakhs only) in total. Out of the total compensation amount of Rs. 8,00,000/- (Rupees Eight Lakhs only) along with pendente lite interest @ 6% per annum. Out of the total awarded amount, it was directed that Rs. 3,00,000/- (Rupees Three Lakhs only) would be payable to present petitioner No. 1 and Rs. 3,00,000/- (Rupees Three Lakhs only) would be payable to petitioner No. 2 and remaining Rs. 2, 00,000/- (Rupees Two Lakhs only) would be distributed equally amongst the daughters of the present appellants, i.e. Rs. 1,00,000/-(Rupees One Lakh only) each. It was further directed by the Railway Claims Tribunal that out of the compensation amount of Rs. 3,00,000/- (Rupees Three Lakhs only) awarded to present appellants, Rs. 2,00,000/- (Rupees Two Lakhs only) shall be deposited in fixed deposits for a period of 1 to 2 years and Rs. 1,00,000/-(Rupees One Lakh only) would be disbursed to the appellant No. 1, whereas in respect of appellant No. 2, the entire compensation amount payable to her was directed to be deposited in 3 separate FDRs of Rs. 1,00,000/- (Rupees One Lakh) each. As regards the minor daughters of the appellants are concerned, the compensation awarded to them was directed to be deposited in a fixed deposit in a nationalised bank till the attainment of majority by them.

[4] The learned counsel for the appellants have submitted that since both the appellants are very poor and they don't have any house of their own, so they filed an

application before the Railway Claims Tribunal for premature disbursement of the claim amount which were deposited in fixed deposit in the name of present appellants. However, by the impugned order dated 30.05.2025, the Railway Claims Tribunal, rejected the prayer of the appellants.

[5] The learned counsel for the appellants submits that the main ground for rejection of the prayer for premature encashment of the FDR's by the appellants was that they had failed to substantiate their claim by producing any document to that effect from the Gaon Burah and that there are other welfare schemes operating in rural areas which they could have availed.

[6] The learned counsel for the appellants has submitted that due to their ignorance and negligence, they could not submit the document before the Railway Claims Tribunal. However, they have submitted Gaon Burah Certificate certifying that they don't have any house and landed property and due to land erosion, their land has been submerged in Brahmaputra.

[7] He further submits that during pendency of this appeal the appellant No. 2 had also suffered from gynaecological ailments of severe bleeding during her menstruation period for which they need money for better treatment and in support of his submissions, the medical document irrespective of ailments of appellant No.2 has been

annexed as Annexure-9 by filing additional affidavit before this court. Hence, they pray that the compensation amount which has been deposited in fixed deposit may be allowed to be encased prematurely owing to the circumstances stated by the appellants.

[8] On the other hand, Mr. S.P. Choudhury, the learned Central Government Counsel appearing for the respondents has submitted that the direction for depositing the part of awarded amount in the fixed deposit was only for the benefit of the present appellants as there are instances of unscrupulous elements taking away the compensation money which was awarded to the poor litigants.

[9] He further submits that the appellants also failed to produce any document before the Railway Claims Tribunal, to substantiate their claim that they are landless and have no house. He also submits that the nature of ailment with which the appellant No. 2 is suffering may not be so serious so as to require premature encashment of the FDR's.

[10] I have considered the submissions made by the learned counsel for both sides. Though there is no dispute in the proposition that the direction of the Railway Claims Tribunal, for depositing part of the awarded amount in FDR's was only for the benefit of the present appellants, however, the reasons shown by the appellants for premature encashment of the FDR's also cannot be totally ignored.

Though, they failed to produce any document in support of their submissions before the Railway Claims Tribunal, however, before this court they have produced the certificate from Gaon Burah regarding the fact of erosion of their land by river Brahmaputra. Additionally, the medical documents produced by the appellants, which shows that appellant No. 2 is suffering from serious gynaecological ailments, are sufficient for this court to allow pre-mature disbursement of the FDR's in which the portion of their claim amount was directed to be deposited.

[11] In view of the aforesaid discussions and reasons stated, this appeal is allowed.

[12] Accordingly, the compensation amount of Rs. 2,00,000/- (Rupees Two Lakhs only) awarded to the appellant No. 1 which was deposited in FDR's in UCO Bank bearing Account No. 13380110130735 vide FDR No. 13380310060308 and amounting to Rs. 1,00,000/- (Rupees One Lakh only) for 1 (one) year and FD No. 13380310060315 amounting to Rs. 1,00,000/- (Rupees One Lakh only) for 2 (two) years and another compensation amount Rs. 3,00,000/- (Rupees Three Lakhs only) of applicant No. 2 i.e. Mamtaz Begum was fixed in the UCO Bank, Branch-Barpeta, A/C No. 13380110130728 vide FDR No.13380310060322 amounting to Rs. 1,00,000/- (Rupees One Lakh only) for 1 (one) year, FDR No. 13380310060339 amounting to Rs. 1,00,000/- (Rupees One

Lakh only) for 2 (two) years and FDR No. 13380310060346 amounting to Rs. 1,00,000/- (Rupees One Lakh only) for 3 (Three) years is allowed to be disbursed to the appellant Nos. 1 and 2 by the bank in which the same is deposited within a month from the date of this order.

[13] This appeal is accordingly allowed.

[14] The records of the Railway Claims Tribunal be sent back to the Railway Claims Tribunal, Guwahati along with a copy of this order.

JUDGE

Comparing Assistant