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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010285122021

+ **FAO 218/2021**

BIPIN KUMAR MISHRA Appellant

Through: **Mr. Ritik Singh, Advocate.**

versus

UNION OF INDIA Respondent

Through: **Ms. Uma Prasuna Bachu, SPC.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.08.2026

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1. The present appeal filed under Section 23 of the Railway Act, 1989 is directed against judgment dated 28.12.2020 passed by the Railway Claims Tribunal in OA/II(U)/DLI/166/2019.

2. The appellant was travelling in Train No. 13049, *Howrah-Amritsar Express*, from *Harpalganj* to *Roorkee* on 24.01.2019 on a valid ticket bearing No. UAC 3Z511066. On 25.01.2019, when the train was about to reach *Roorkee*, he came to the door of the compartment and fell from the train due to a sudden jerk, as a result of which he sustained grievous injuries, including amputation of his right arm above the elbow.

3. The Tribunal, *vide* judgment dated 28.12.2020, awarded compensation of Rs.5,60,000/- along with simple interest @ 9% per annum. Aggrieved by the quantum of compensation awarded, the appellant has preferred the present appeal seeking enhancement of the compensation to



Rs.8,00,000/-.

4. Learned counsel for the appellant contends that, while deciding the claim application in favour of the claimant, the Tribunal has not granted compensation commensurate with the nature and extent of the injuries suffered by the claimant on the left hand. He submits, while referring to the Handicap Certificate dated 19.08.2010 issued by the Office of the Chief Medical Officer, Sultanpur, that the appellant had suffered traumatic amputation above the elbow of the right upper limb, along with stiffness of the left elbow resulting in disability assessed at 100%. He submits that while the Tribunal has awarded compensation of Rs.5,60,000/- for the aforesaid injury, it has not taken into consideration the condition of the appellant's left arm.

5. A photograph has been placed on record, and a perusal of the same shows that the left arm is also severely affected. He further submits that according to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, that, although, the condition of the left arm is not covered in any of the scheduled injuries stipulated under Rule 3, however, Sub-Rule (3) refers to an injury which is not provided in the Schedule. The same reads as under:-

“3 (3) The amount of compensation payable in respect of any injury (other than an injury specified in the Schedule or referred to in sub-rule (2) resulting in pain and suffering), shall be such as Claims Tribunal may after taking into consideration medical evidence, besides other circumstances of the case, determine to be reasonable:

Provided that if more than one injury is caused by the same accident, compensation shall be payable in respect of each such injury:

Provided further that the total compensation in respect of all



such injuries shall not exceed [rupees one lakh sixty thousand] [Substituted by G.S.R. 1165(E), dated 22.12.2016, 'rupees four lakhs' (w.e.f. 7.6.1990).].”

6. In view of the aforesaid provision, compensation can thus be awarded in respect of an injury not specifically covered under the Schedule, upon consideration of the medical evidence and other circumstances of the case.
7. The appellant was present before the Tribunal and his injuries were duly examined during his cross-examination. As noted above, the medical certificate also records the condition of the left arm, which therefore warrants consideration while determining the compensation payable to the appellant.
8. The amount of Rs.5,60,000/- already stands received by the appellant. Considering that no compensation has been awarded for the injury suffered in the left hand, a further amount of Rs.1,60,000/- is awarded as compensation, which shall be paid within four weeks from today.
9. The appeal is disposed of in the aforesaid terms.
10. Copy of this order be given **DASTI**, under the signatures of the Court Master.
11. A copy of this order be communicated to the learned Tribunal for immediate compliance.

MANOJ KUMAR OHRI, J

AUGUST 17, 2026/RW