



2026:DHC:6795



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

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+ FAO 165/2016

DEEPAK Appellant
Through: Mr.Ritik Singh, Advocate

versus

UNION OF INDIA Respondent
Through: Mr. Vikas Sharma, CGSC for
UI

**CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 11.02.2016 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/20/2015, whereby the claim application filed by the appellant seeking injury compensation came to be dismissed.

2. The facts in a nutshell are that on 26.11.2014, the appellant was travelling from *Ismaila* to *Ghewra* by EMU passenger train. It is the case of the appellant that he had purchased a journey ticket and, when the train reached *Ghewra* Railway Station, he came near



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the gate for deboarding. At that stage, the train suddenly started moving with a jerk, as a result of which he fell from the train and both his legs came under the train, resulting in amputation.

3. Learned counsel for the appellant, while assailing the impugned judgment, submits that the Tribunal failed to appreciate that the appellant had consistently stated that he was travelling on strength of a valid journey ticket and that, while he was attempting to deboard, the train suddenly started with a jerk, causing him to fall between the train and the platform. It is submitted that this version finds contemporaneous support from the statement of the appellant recorded at *Sanjay Gandhi Hospital* and the MLC, which records the history as a “Railway accident”. Learned counsel further submits that the Tribunal discarded the appellant’s case merely because the journey ticket was not recovered and in relying upon the version of the Guard that the appellant had attempted to board the moving train.

4. *Per contra*, learned counsel for the respondent contends that the appellant was attempting to board the moving train from *Ghewra* Railway Station and in this regard, has referred to the statement of RW-1/*R.P. Yadav*, the Guard of the train, who stated that after the train had started moving at about 11:05 a.m., he saw a person running attempting to board the moving train. Learned counsel submits that the DRM report also establishes that the injuries were sustained due to the appellant’s own negligence.

5. A perusal of the records reveals that as regards the non-recovery of the journey ticket, the appellant had specifically stated



at the hospital that the ticket had been kept in the pocket of his pyjamas which was torn during the accident. The mere non-recovery of the ticket, therefore, cannot by itself displace his claim of being a *bona fide* passenger, particularly when the Railways' own evidence places him in the process of boarding the train. The Supreme Court in "Union of India v. Rina Devi"¹ has expressly held that mere non-recovery of a ticket would not negative the claim of *bona fide* passenger status, once the initial burden on the claimant is discharged. Applying the aforesaid to the present case, the claimant has specifically deposed about the purchase of his journey ticket.

6. Coming next to the occurrence of the incident in question, there is no dispute regarding the nature of injuries sustained by the appellant. The DD entries record that the appellant was found injured at Platform No.2, *Ghewra* Railway Station and was thereafter taken to *Sanjay Gandhi* Hospital. The statement recorded by the police official at the hospital records that the appellant had purchased a ticket from *Ismaila*, boarded the EMU train for *Ghewra* and, while deboarding at *Ghewra*, fell due to a sudden jerk, as a result of which his feet came under the train. The MLC also records the history as a "Railway accident".

7. The Tribunal, however, has disbelieved the appellant's version principally on the basis of the statement of RW-1/*R.P. Yadav*, Guard of the train, and the DRM report. The Guard stated that after the train departed from *Ghewra* at about 11:05 a.m., he saw a person running from the platform side and attempting to

¹(2019) 3 SCC 572



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board the moving train. According to him, the person slipped and fell, whereupon he applied the brakes and stopped the train. In cross-examination, the Guard specifically stated that the injured was not deboarding, but was boarding the train, and the said version was also relied upon in the DRM report.

8. At the same time, the appellant's version cannot be discarded merely on the basis of the Guard's statement. The appellant had, immediately after the occurrence, stated at the hospital that he had fallen while deboarding at *Ghewra* due to a sudden jerk. The difference between the two versions, therefore, is confined to whether the appellant was boarding or deboarding the train at the time of the fall. At this stage, it is apposite to note the decision of the Supreme Court in "*Rina Devi*" (supra), whereby it was held that death or injury sustained in the course of boarding or de-boarding a train constitutes an "untoward incident".

Applying the aforesaid principle to the present factual matrix, even if the version of RW-1 is accepted in its entirety, the appellant sustained the injuries while attempting to board the train. His case would, therefore, fall within the ambit of an "untoward incident" under Section 123(c) of the Act. Additionally, there is no material on record to show that the appellant intended to cause the injuries to himself.

9. This Court also finds support by a similar approach adopted by this Court in "*Om Prakash v. Union of India*"², wherein the Court considered the contemporaneous railway and medical record

²2026 SCC OnLine Del 1800



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along with the DRM report and held that the conclusions in the DRM report could not, by themselves, override the material available on record.

10. In view of the aforesaid discussion, this Court is of the considered opinion that the appellant was a bona fide passenger and that the injuries sustained by him arose out of an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act. The finding of the Tribunal to the contrary cannot be sustained and is accordingly set aside.

11. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 07.09.2026.

12. The appeal is allowed and disposed of in the above terms.

13. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 17, 2026
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