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

+ **FAO 223/2017 and CM APPL. 18880/2017**

UNION OF INDIA

.....Appellant

Through: Ms.Shubhra Parashar and Mr.Virender
Pratap Singh Charak, Advocates

versus

MUNI DEVI & ANR

.....Respondents

Through: Mr.Rajan Sood, Ms.Ashima Sood and
Ms.Megha Sood, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.07.2026

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1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 17.01.2017 (hereinafter referred to as the “impugned judgment”) passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the “Tribunal”) in Claim Application No. OA/II(u)/106/2016.
2. The case set up by the respondents before the Tribunal was that on 10.02.2016, the deceased, *Ankit Kumar*, was travelling from *Ichhapuri* towards *Delhi* on the strength of a valid journey ticket. It was their case that the compartment was overcrowded and while the train was approaching *Patel Nagar*, the deceased accidentally fell from the running train due to a sudden jerk. He sustained fatal injuries and died at the spot.
3. Learned counsel for the appellant submits that the Tribunal overlooked material circumstances while recording its findings. She further submits that the investigation did not reveal the recovery of any ticket



corresponding to the alleged journey. Instead, one ticket dated 01.02.2016 and another ticket from *Patel Nagar* to *Patli* were found amongst the articles recovered from the deceased. The appellant further relied upon the statement of the RPF official to contend that the deceased fell while trying to board a moving train and, therefore, the case is not covered by Section 124-A of the Railways Act, 1989 (hereinafter referred to as the “Act”)

4. Learned counsel for the respondents, on the other hand, submits that the Tribunal has not accepted the claim merely because previous tickets were produced. Rather, it has considered the entire evidence, including the deceased’s regular travel between *Delhi* and *Ichhapuri*, before returning its findings. It is also contended that the non-recovery of the journey ticket, by itself, cannot defeat an otherwise genuine claim, particularly when the accident itself is not in dispute.

5. Upon consideration of the material placed before it, the Tribunal held that the respondents had succeeded in establishing that the deceased was travelling as a *bona fide* passenger and that his death was the result of an accidental fall from a passenger train, thereby constituting an untoward incident under the Act. Aggrieved thereby, the present appeal has been preferred.

6. I have considered the rival submissions addressed by both the parties and examined the record.

7. Besides other contentions, one principal grievance raised by the appellant is that the deceased could not have been treated as a *bona fide* passenger in the absence of the journey ticket allegedly purchased on the date of the occurrence.



8. Admittedly, the ticket said to have been purchased by the deceased on 10.02.2016 was not recovered during the *jamatalashi*. Equally, it is also true that the articles recovered from the deceased included another ticket which did not correspond to the journey pleaded in the claim application. The question, however, is whether these circumstances, by themselves, are sufficient to interfere with the finding returned by the Tribunal.

9. The Tribunal observed that the deceased was employed as a teacher and was travelling regularly between *Delhi* and *Ichhapuri*. In support thereof, the respondents produced multiple journey tickets pertaining to the days immediately preceding the incident. Significantly, the Tribunal did not treat those tickets as proof of the journey undertaken on 10.02.2016, but only as a circumstance to examine whether the plea regarding the deceased being a regular commuter was borne out from the record.

A reading of the impugned judgment shows that the Tribunal did not rest its conclusion solely on the profession of the deceased. Rather, it considered the said circumstance only as one of the attending facts while evaluating the probabilities emerging from the evidence. The previous journey tickets produced by the respondents, the nature of the occurrence and the absence of any cogent material to establish that the deceased was deliberately travelling without a valid ticket were all weighed together before the Tribunal arrived at its conclusion, which in the opinion of this Court, is valid.

10. The appellant has also assailed the finding of the Tribunal that the death of the deceased occurred in an “untoward incident”. In this regard, reliance has been placed upon the statement of *BharatSingh*, Head Constable, RPF, to contend that the deceased fell while attempting to board



a moving train and, therefore, the claim would not be maintainable under Section 124-A of the Act. This submission, however, does not merit acceptance as merely because one piece of evidence may admit of another possible interpretation cannot, by itself, furnish a ground to interfere with a finding of fact that is otherwise supported by the overall material available on record.

11. This Court finds no reason to take a view different from that adopted by the Tribunal. The findings that the deceased was a *bonafide* passenger and that the incident in question constituted an “untoward incident” are based on a plausible appreciation of the oral as well as documentary evidence. The appellant has not been able to demonstrate that the conclusions recorded by the Tribunal are contrary to the material on record or warrant interference.

12. The challenge raised to the quantum of compensation also deserves to be rejected. The Tribunal awarded a compensation of Rs.8,00,000/- in accordance with the Railway Accidents and Untoward Incidents (Compensation) Rules as applicable on the date of the award. The issue is no longer *res integra* in view of the decision in “Union of India v. Rina Devi”¹, wherein the Supreme Court held:-

“We thus hold that the amount of compensation payable on the date of the accident with reasonable rate of interest, may be the compensation to be awarded. However, if the amount so calculated is less than the amount prescribed as on the date of the award, the claimant will be entitled to the higher of the two amounts.”

¹ (2019) 3 SCC 572



13. The Tribunal has rightly awarded compensation in conformity with the aforesaid principle. Consequently, no fault can be found with the quantum of compensation awarded.

14. It is well settled that while exercising appellate jurisdiction under Section 23 of the Railway Claims Tribunal Act, 1987, this Court does not re-appreciate the evidence as if hearing the matter for the first time, unless the findings recorded by the Tribunal are shown to be manifestly erroneous, perverse or contrary to the evidence on record, interference would not be warranted. The appellant has, thus, not been able to demonstrate that the approach adopted by the Tribunal suffers from any such infirmity.

15. The appeal is, along with the pending application, is accordingly, dismissed.

MANOJ KUMAR OHRI, J

JULY 22, 2026

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