

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.414 of 2013

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1. Golki Devi W/O Late Nirdhan Manjhi Resident Of Village- Khiri, P.S- Parsa,
District- Gaya.

.... Appellant/s

Versus

1. The Union Of India Through The General Manager, East Central Railway,
Hajipur (Bihar)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. A.N. Mishra,
Mr. Anant Kumar, Advocates.

For the Respondent/s : Mr. Sunil Kumar Rai, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-08-2015

Heard learned counsel for the appellant and learned
counsel for the Railway.

2. In the present appeal the appellant is challenging the
judgment/order dated 12.4.2013 passed by Member
(Technical), Railway Claims Tribunal, Patna Bench, Patna in
O.A. No.00194 of 2003 by which he has rejected the claim
application of the appellant.

3. As per the claim application, Nirdhan Manjhi alias
Indradeo along with his wife, namely, Golki devi was traveling
on 10.4.2003 from Kastha to Gaya by Dehri Gaya passenger
train with valid ticket, accidentally he had fallen down from the
said train near Katari More and received multiple injuries.

Victim was carried to A.N.M.M.C.H, Gaya, Gaya where in course of treatment he died. The claim application has been filed which has been registered accordingly.

4. During the trial the Tribunal has exhibited the following documents:

Affidavit of Golki Devi – Exhibit A/1

Copy of fardbeyan- Exhibit A/2

Copy of FIR- Exhibit A/3

Copy of the final report- Exhibit A/4

Copy of inquest report- A/5

Copy of most mortem report-A/6

Copy of death certificate-A/7

Copy of dependency certificate- Exhibit A/8

Copy of I Card of Golki Devi- ExhibitA/9

5. From the fardbeyan recorded on 11.4.2003 at 1 PM at emergency ward of Medical College that on 10.4.2003 at 7 O'clock she along with her husband was going for search of job of daily wages worker and they boarded in Gaya-Dehri passenger at 7.45 at Kastha railway station, with them some villagers, namely, Janki Manjhi, Rajesh Yadav, Surendra Paswan, Prakash Yadav and Butai Yadav were also passenger for Gaya for different works such as some for daily wage work



and some of the persons were for sale of their milk. As the train reached near Katari her husband had fallen down outside the train. When she cried, tried to jump but villagers caught her. On reaching Gaya station they returned to Katari More and from there the victim was carried to A.N.M.M.C.H., Gaya and where in course of treatment he died. Fardbeyan has been recorded on 11.4.2003 and that has been marked as Exhibit A/2 but Exhibit A/3 is FIR dated 24.4.2003, shows that the U.D.Case No.17 of 2003 was recorded on the basis of the fardbeyan of Golki Devi. The police has submitted final report dated 24.4.2003 wherein it has been mentioned that police has gone to the village of the victim where recorded deposition of Ranju Kumar, Sahdeo Manjhi, Janki Manjhi, Rajesh Yadav, Prakash Yadav, Butai Yadav, they supported the case of the claimant stating that the victim had gone to do the work of labour and he met with an accident on account of fall from the train and he died. The inquest report has been prepared on 11.4.2003 which has been marked as Annexure A/5 where in column no.3 it has been recorded that the body was lying in front of emergency ward at 13.30 hours but at the bottom there is signature of Officer incharge and date has been given as 11.4.2003. Post mortem examine was done on 11.4.2003 and

the doctor has given the reason for the death of the deceased.

6. The Railway has produced two reports which have been marked as Exhibit R/I and R/II. Exhibit II is details with respect to Nirdhan Manjhi alias Indradeo and Exhibit R/II is report submitted by the Claim Inspector where he has stated that he met with Golki Devi who has stated that she has not filed any case nor her son has filed any case for compensation and the said report has been prepared on 24.9.2003 attached with statement of large number of persons of the same village Khiri states that there is no person in the name of Nirdhan Manjhi alias Indradeo in his village. So much so statement which is purported to be statement of Golki Devi bearing RTI of said lady. On perusal of the said document it is apparent that, it does not bear the full RTI of the said lady. So much so Golki Devi has come forward to make statement that she was traveling along with her husband and other persons of the village, the accident has taken place at Katari More. Thereafter the victim was brought A.N.M..C.H, Gaya, where her husband has died.

7. Tribunal has rejected the claim on three grounds. First Tribunal has said that statement of the lady does not inspire any confidence. So much so the documents are manipulated as he has also recorded that the body of the victim was kept at the



morgue from where the body was brought for preparation of inquest report as the Tribunal has arrived to a finding that inquest report of dead body was prepared after three days. So much so he has also given a reason for not relying on the inquest report, in the inquest report two dates have been given, at column no.3 it has been recorded that body was lying in front emergency ward on 14.4.2003 at 13.30 hours but at the top and at bottom 11.4.2003 has been mentioned. He has taken the date 14.4.2003 ignoring the dates given at the top and bottom.

8. This Court is of the view that 14.4.2003 is a clerical error whereas at two places the date has been given i.e.11.4.2003. Another point which was in the mind of the Tribunal that the police has registered FIR on 24.4.2003 and accident has taken place on 10.4.2007 it cannot be said to be mistake rather it is negligence of GRP office. The ground of rejection that has been given by the Tribunal is not approved by this Court. However, Exhibit R/1 and R/II creates serious doubt about the claim as Exhibit R/II itself shows that Claim inspector visited the Village Kheri, statement of Golki was recorded where she has stated that neither she nor her son has filed any case. So much so identity card produced by the claimant where the name of

her husband has been shown as Nirdhan Manjhi having no alias name Indradeo. It creates serious doubt in the mind of this Court where the right person has filed the case or a strange lady has filed the case. This Court is remitting back the matter to make an enquiry as to whether lady who has filed this case is real wife of deceased and had traveled with her husband or any strange lady has filed the case. The parties will be at liberty to lead their evidence to show that claimant is wife of the victim and Railway is also directed to produce the substantive material to contradict the claim of the claimant. The process of enquiry should be completed within a period six months from the date of receipt of the file.

9. With the aforesaid observation this appeal is disposed of.

(Shivaji Pandey, J)

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