

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.514 of 2013

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Most. Kalawati Devi, wife of late Baldeo Pandit, resident of Villager Bankipur
Gorakh, P.S. Fatuha, District Patna (Bihar)

.... Appellant/s

Versus

The Union of India through the General Manager, Eastern Railway, Kolkata

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amar Nath Mishra,
Mr. Anant Kumar,
Mr. Sahjanand Sharma, advocates.
For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-09-2015

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

In the present appeal the appellant is challenging the
judgment/order dated 20.7.2012 passed by the Railway Claims
Tribunal, Patna in Claim Application No. OA 000124 of 2002 by
which Tribunal has rejected her claim application.

In the claim application statement has been made that on
9.5.2001 the deceased was going Fatuha from Gulzarbagh by
Train No.3040 Dn Delhi-Howrah Janta Express after purchasing
the valid ticket. After boarding in the train the deceased
accidentally fell down from the train due to heavy rush inside the
compartment as a result of which he died on the spot. The matter
was reported to Rail Police Patna Sahab by the rail authorities of

Gulzarbagh. The family members of the deceased requested Deputy Station Manager, Gulzarbagh for handing over the dead body of the deceased for cremation and on the request the Deputy Station Manager sought permission from the Officer In-charge, Rail Police Patna Sahib for handing over the dead body of the deceased to the family members.

Railway filed written statement where claim made by the claimant in the claim application is denied.

In support of her submission the applicant has filed photocopy of the memo (Exhibit A/3) which is letter issued to the Officer In-charge Patna Sahib shows that the victim was killed by 3040 Dn as he came under the running train and sought a permission to allow the family members of the deceased to take away the dead body for cremation. Except this document there is no any other documentary evidence available on record.

In support of her claim two witnesses, namely, Kalawati Devi herself (A.W.1) and Shiv Kumar (A.W.2) have been examined. They have supported the story of the claimant but Exhibit A/3 itself shows that the victim had died as he was caught by under running train of 3040 Dn. This sufficiently shows that cause of death of the victim was not falling from the running train but coming under the trap of running train and

which led to his death.

In such view of the matter, this Court is of the view that the Tribunal has not committed any illegality for rejecting the claim application. This Court does not find any merit in this appeal. Accordingly the same is dismissed.

(Shivaji Pandey, J)

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