

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No. 4969 of 2014 (O/M)

Date of decision : 9.4.2015

Union of India

..... Appellant

Versus

Shiv Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Vermani, Advocate,  
for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This appeal has been filed by Union of India against the order dated 19.12.2013, passed by the Railway Claim Tribunal, Chandigarh Bench, Chandigarh (in short 'the Tribunal'), vide which the Tribunal had awarded a compensation of Rs. 1,70,000/- to the applicant/injured with simple interest @ 6% per annum from the date of filing the claim application i.e. 22.7.2011 till the date of the order.

Brief facts of the case of the applicant/injured is that, on 24.7.2010, when after purchasing a train ticket from Khabra to Hisar, he tried to board the train at Khabra, the train started with a sudden jerk. The applicant/injured, who was at the foot steps of the train,

slipped and fell down. The left leg was crushed and later on amputated below the knee.

Learned counsel for the appellant has contended that the applicant/injured had tried to board the moving train. Therefore, it was his own rash and negligent act and thus, the injured/applicant is not entitled to any compensation. Though, it is not disputed that the injured/applicant was having a valid train ticket.

A perusal of Section 124-A of the Railways Act, 1989 shows that the Railway can avoid the liability in case when it is the own criminal act of the applicant. Rash and negligent act is different from the criminal act. The train was still at the platform. Therefore, the said incident is covered within the definition of 'untoward incident' and the Railway is liable to pay the compensation. Therefore, there is no illegality or infirmity in the impugned award dated 19.12.2013, passed by the Tribunal.

Consequently, the present appeal is dismissed.

(KULDIP SINGH)  
JUDGE

9.4.2015  
sjks