

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5060 of 2014 (O&M)
Date of Decision:11.02.2015

Shukbai and another

....Appellants

Versus

Union of India

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Sumesh Gupta, Advocate for the appellants.

NAVITA SINGH, J.

CM No.14397-CII of 2014

For the reasons disclosed fairly in the application, which is accompanied with the affidavit of appellant No.1, the same is allowed and delay of 152 days in filing the appeal is condoned.

FAO No.5060 of 2014

1. The final order passed by the Railway Claims Tribunal, Chandigarh (Tribunal for short) has been challenged in the appeal as the Tribunal dismissed the claim preferred by the appellants for the death of Ramayan Singh in a railway accident.
2. Counsel for the appellants submitted that the claim was rejected on the ground that no valid ticket was found on the person of the deceased or in his belongings and, therefore, he was not a bonafide passenger.
3. Counsel contended that a ticket was found but the Tribunal wrongly held that the same did not pertain to the train in which the deceased was

travelling. He further contended that according to relevant provision of law, i.e. Section 124-A of the Railways Act (Act for short), only a ticket is to be found.

4. The last point urged on behalf of the appellants is more amusing than legal and rather is not sustainable on the legal footing at all because of the use of the word 'ticket', the contention that a passenger would be one who was simply holding a ticket is too far-fetched.

5. It is given in the explanation to Section 124-A of the Act that passenger includes a person who has purchased a 'valid' ticket. It cannot be that a person is possessed of a ticket for some other train or destination but was travelling by a separate train would be bonafide passenger for the purpose of travelling in the other train. Here the deceased was possessed with a ticket which was for an Expressed train. He could not board the same from Dasuya as the Express train did not stop there. The train number given was of a passenger train and the ticket did not pertain to that.

6. A well reasoned order was passed by the Tribunal below, even going to the extent of discussing that the time of boarding from Dasuya and the time of reaching Ambala Cantt. as given by the claimant was also indicative of the fact that they had put up a cock and bull story as the distance could not have been covered by the passenger train within that much time.

7. Also it may not be out of place to mention here (though it was not observed by the Tribunal) that the accident, if any, occurred due to the negligence of the deceased himself as he fell from the moving train. When any train is in motion, the doors are supposed to be kept closed and if not, at least no passenger is expected to be standing in the door while the train is in motion. If the deceased was sitting where he should have been or was even going towards

the washroom, he could not have fallen out unless he was standing in the door while it was open. He, therefore, died on account of his own negligence.

8. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

11.02.2015
Ishwar

Whether to be referred to reporter: Yes