

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.645 of 2014 (O&M)

Date of decision: 14.07.2015

Union of India

..... Appellant

versus

Ramesh Kumar @ Tinku

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sandeep Veermani, Advocate for the appellant
Mr.Somesh Gupta, Advocate for the respondent

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Union of India has filed this appeal against the judgment dated 31.7.2013, passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh vide which, on account of injuries received by the claimant in an "untoward incident" involving the railway, a compensation of Rs.four lac was awarded to the claimant/ appellant.

The only ground pressed at the time of argument is that the claimant was found to be ticket less traveler as he failed to produce his ticket before the Tribunal.

Examination of the facts of the case show that on 15.2.2011, the appellant tried to board the DMU passenger train from Phillaur to Ludhiana. According to him, it was raining heavily. He put his bag in the train and caught the rod of the door but his hand

slipped from the handle of the train. He fell down and his both legs were amputated. He became unconscious. Railway employees removed him to Arora Nursing Hosppital, Phillaur from where he was referred to DMC, Ludhiana.

Before the Tribunal, the appellant had filed an affidavit that his ticket was in the bag which was lost during the whole incident. It comes out that the report of the DRM shows that an untoward incident had in fact taken place. There is no evidence whatsoever that at the time of untoward incident, the appellant was under the influence of intoxicant as it was pleaded before the Tribunal.

Learned counsel for the appellant has further argued that the appellant was negligent while trying to board the running train. However, mere negligence is not sufficient unless it is a criminal negligence. The facts do not make out a case of criminal negligence.

So far as railway ticket is concerned, the appellant was carrying a bag, which he had put in the train before boarding the train. When he fell down, both his legs were amputated and he became unconscious and according to him, he lost his bag. The Tribunal has accepted his evidence. I do not find any illegality in accepting such plea. When both the legs are amputated and when one has become unconscious, he is likely to loose his luggage.

It being so, there is no illegality or infirmity in the impugned judgment. Accordingly, the same is dismissed.

14.07.2015**(Kuldip Singh)**

gk

Judge