

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.8305 of 2014 (O&M)

Date of decision: 10.03.2015

Ishwar Chand

..... Appellant

versus

Union of India

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Satinder Kumar Rana, Advocate for the appellant

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)

This is an appeal against judgment dated 16.7.2014, passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, whereby the claim of the appellant for grant of compensation was dismissed.

I have heard learned counsel for the appellant and have carefully gone through the file.

It comes out that it was case of the appellant that he is a daily passenger from Bazida Jattan to Diwana with MST valid from 9.6.2009 to 8.7.2009. On 3.7.2009, there was a huge rush of passengers at Diwana railway station. The appellant was to board the train No.5 DPM but in the meantime, the train started moving and caught the speed, the foot of the appellant accidentally slipped and he accidentally fell down from the train due to jerk and jolt, coupled

with pull and push of passengers. He was run over under the wheels of the train and his right leg below knee has been amputated along with other multiple injuries.

During evidence, it came out that claim of the claimant himself shows that he tried to board the running train. However, during cross-examination, entirely different fact came to the notice of the Tribunal. The appellant injured himself admitted that he was trying to board the train by crossing the railway lines. He was hit by the engine. It means that the appellant was unauthorizedly crossing the railway line and was hit by the engine. He was not trying to board the train as stated by himself. Therefore, it was rightly held that he was not a bonafide passenger of train No.5 DPM at the time of incident. No fault can be attributed to the railway department for the injuries suffered by him. The appellant himself was careless and negligent. Therefore, claim was rightly rejected.

Accordingly, the appeal stands dismissed.

10.03.2015*gk***(Kuldip Singh)
Judge**