

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.1330 of 2008

Date:20.06.2016

Between:

Union of India, rep by the General
Manager, South Central Railway,
Secunderabad.

...Appellant.

AND

Smt Dasari Thulasamma

...Respondent.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.1330 of 2008

JUDGMENT:

This appeal is preferred questioning order dated 25-07-2008 in O.A.A.No.235/2002 on the file of Railway Claims Tribunal, Secunderabad Bench.

2. Respondent herein submitted application under Section 16 of the Railway Claims Tribunal Act 1987 read with Section 124, 124A & 125 of the Railways Act, 1989 claiming compensation of Rs.4,00,000/- contending that Dasari Brahmaiah died in an untoward

incident that happened at Perecharla Railway Station on 12-09-2001.

The applicant contended that deceased was her son and a coolie, going to different places for work and that on 12-09-2001, on coming to know that there was work at Perecherla, he went to Markapur Railway Station, purchased ticket and boarded Train No.523-Passenger. While travelling in the train, when he was getting down from the train at Perecherla, he slipped from the train and fell down and sustained severe injuries and died on the same day. Railways opposed the claim on the ground that the ticket produced by the claimant was sold for Train No.304-Passenger on 12-09-2001, but not for Train No.523-Passenger and therefore, he is not a bonafide passenger and not entitled for any compensation.

On these allegations, Claims Tribunal conducted enquiry during which, one witness was examined and seven documents were marked on behalf of the claimant and one witness was examined and one document was marked on behalf of the Railways and on a over all consideration of oral and documentary evidence, Claims Tribunal negatived the objection of the Railways and granted compensation of Rs.4,00,000/-. Aggrieved by the same, present appeal is preferred.

3. Heard arguments.

4. The Advocate for appellant submitted that the deceased was not a bona fide passenger for Train No.523 since the ticket was issued for Train No.304, which is Hubli – Guntur – Passenger, whereas the deceased fell down from Train No.523, Kachiguda-Guntur - Passenger therefore, he has not a bonafide passenger, but the Claims Tribunal has not considered this aspect and the award of the Claims Tribunal has to be set aside. On the other hand, Advocate for claimant submitted that the very same objection was raised before the Railway Claims Tribunal and the Tribunal, on a consideration of

evidence of their own witness i.e., R.W.1, negated their objection and rightly granted compensation and that there are no grounds to interfere with the award passed by the Court below.

5. Now the point that would arise for my consideration in this revision is whether order of the Court below is legal proper and correct?

6. **Point:-**The fact that Dasari Brahmaiah died on 12-09-2001 due to accidental slip from a train is not in dispute. It is also not in dispute that Ticket No.29630 dated 12-09-2001 was issued to go to Perecharla from Markapur. As seen from the evidence, the Chief Ticketing Officer was examined as R.W.1, who stated that the Ticket No.29630 was issued on 12-09-2001 for Train No.304, Hubli – Guntur – Passenger, but not for Train No.523, but to a question put by the Court, he admitted that with the said Ticket, the passenger can also board Train No.523, Kachiguda-Guntur Passenger and the fact remains that the deceased boarded that Train and fell down, while getting down at Perecharla. As rightly pointed out by Advocate for claimant when the material on record disclose that the deceased fell down from a train, as per the settled law even if he was not holding any ticket, the railways are liable to pay compensation. In this case, the deceased purchased ticket for Train No.304, but boarded train No.523, which according to R.W.1 is permissible, therefore the objection of the Railways is not tenable and the Claims Tribunal has rightly negated the objection of the appellant.

7. For these reasons, I am of the view that there are no grounds to interfere with the order of the Railway Claims Tribunal and the compensation granted to the respondent herein.

8. Appeal is dismissed and as a sequel, miscellaneous petitions, if any, pending in this appeal, shall stand dismissed. No costs.

JUSTICE S. RAVI KUMAR

Date:20.06.2016

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