

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**FAO No. 2341 of 2013(O&M)**  
**Date of Decision: 08.11.2016**

***PUSHPA RANI @ WANTI***

***.. Appellant***

**VS.**

***UNION OF INDIA***

***..Respondent***

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Somesh Gupta, Advocate,  
for the petitioner.

Mr. Sandeep Suri, Advocate,  
for the respondent-Union of India.

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**KULDIP SINGH, J (ORAL)**

This is the first appeal filed against the judgment dated 07.02.2013 passed by the learned Railway Claims Tribunal, Chandigarh Bench, Chandigarh vide which the claim application filed by Pushpa Rani @ Wanti-present appellant was dismissed.

Brief facts of the present case are that Sanjeet Kumar, son of the applicant/appellant, aged 27 years, was stated to be a labourer by profession. On 22.05.2011, he was to go to Khojewal along with his one friend to pay homage in the Church. He reached at DAV College, Jalandhar Railway Station. Since, booking clerk was not issuing the ticket upto Khojewal, therefore, he purchased the ticket upto Kapurthala for ₹ 3/- and boarded DMU train No. 5JF. When the train reached at KM No. 11/4-5 between Khojewal and Jalandhar Railway Stations, Sanjeet Kumar accidentally fell from the train and got seriously injured. The people gathered there as the injured Sanjeet Kumar was crying due to injuries near the railway track. Thereafter, people shouted and stopped the train No. 6JF and put the injured-Sanjeet Kumar in the said train for removing him to the Jalandhar city

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railway station for treatment. When the said train reached Jalandhar city railway station, a doctor was called and on examination, Sanjeet Kumar was declared dead. The recovery memo in this regard was prepared. The General Railway Police, Jalandhar (GRP) was called who conducted the personal search of the petitioner from which following articles were recovered: -

- 1) Cash of ₹ 220/-;
- 2) One Zen mobile phone;
- 3) One old purse;
- 4) One railway ticket No. 17054 from DAV College to Kapurthala railway stations.

The Railways, in the reply, denied the incident and it was also stated that the deceased-Sanjeet Kumar was not a bonafide passenger of the said train.

The Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') held that as per the statement of Jaswant Singh, Commercial Inspector, Jalandhar (RW-2), on 22.05.2011, 28 tickets for Khojewal railway station from DAV College Jalandhar railway station halt, were sold. The closing number of the ticket for Khojewal railway station was 23271 and the closing number of the ticket on 22.05.2011 was 23299. Therefore, it was held that the Booking Clerk of railway station DAV College, Jalandhar did not issue tickets for Khojewal railway station, is false.

The Tribunal has also relied upon the statement of Raj Kumar, Railway Guard (RW-1) of train No. 5JF/74935 ex-Jalandhar City to Ferozepur Cantt. who states that no such incident was took place. Accordingly, the claim application was dismissed.

I have heard learned counsel for both the parties.

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I am of the view that the view taken by the Tribunal is perverse. The evidence has not been properly appreciated. The ticket (*Annexure A-3*) on file, shows that the said ticket is a card board ticket and as per the certificate issued by the railway authorities attached with the DRM report, it is certified by the Railways that the ticket No. 17054 issued from DAV College, Jalandhar to Kapurthala on 22.05.2011 was sold. Therefore, the controversy as to whether the ticket was sold or not should have rested there. The Tribunal has laid great emphasis on the fact that on the said date the tickets for Khojewal were being issued then why the ticket for Khojewal was not purchased. It is to be noted that ticket is of denomination of ₹ 3 only. There can be the different reasons, such as lack of change or it is also possible that the booking clerk might have run out of card-board tickets to Khojewal. Thus, purchasing a ticket for Kapurthala instead of Khojewal which falls between Jalandhar and Kapurthala will not make any difference. Even if, the ticket is for Kapurthala, one could deboard the train at Khojewal and the ticket remains valid for that purposes. Therefore, findings of the Tribunal in this regard are perverse. The ticket cannot be planted. It is in the evidence of the railway guard of train No. 6JF that the train was stopped by the passengers as the injured was lying near the railway track. He was put in the train and brought to Jalandhar City Railway Station where a doctor was called and he was declared dead. Thereafter, the GRP was called which conducted the personal search, leaving no time for plantation of the ticket, which was recovered from the personal search of the deceased. The fact that the deceased-Sanjeet Kumar purchased the ticket from DAV College, Jalandhar and was found injured near the railway station Khojewal goes to

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show that the story of the appellant is reliable. It is again re-iterated that the proceedings before the Tribunal are in the nature of enquiry and the strict principles of criminal law are not to be applied to decide the matter. Therefore, it has to be held that the deceased-Sanjeet Kumar who was travelling in DMU Train 5JF, fell from the said train and he was removed by the railways authorities themselves in another train to Jalandhar Railway Station where he was found to be dead. Hence, the findings of the Tribunal on issues No. 1 and 2 are reversed.

Consequently, the present appeal is allowed and the impugned judgement dated 07.02.2013 passed by the learned Railway Claims Tribunal, Chandigarh Bench, Chandigarh is set aside. The respondents are directed to pay ₹4,00,000/- as compensation to the claimant within two months alongwith interest @ 9% per annum from the date of filing of the claim application i.e. 28.07.2011 till payment.

Before parting with the judgment, the Railway authorities are advised that in case, from their own investigation, they are satisfied that any untoward incident has taken place in which a passenger has died, they should not have pushed the parties to approach the Tribunal and should have settled the case out of the Court. It is expected that in future the Railways will adopt the positive attitude.

In view of the above, the appeal stands allowed

**November 8, 2016**  
Suresh Kumar

**(KULDIP SINGH)**  
**JUDGE**

***Whether speaking / reasoned***

✓  
**Yes / No**  
✓

***Whether Reportable***

**Yes / No**