

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

**FAO No.3609 of 2013 (O&M)
Date of decision : November 10, 2016**

Union of India

..... Appellant

Versus

Gianta Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Vermani, Advocate for the appellant.

Mr. Somesh Gupta, Advocate for the respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This is first appeal of Union of India against the judgment dated 04.03.2013 passed by the Railway Claims Tribunal, Chandigarh Bench (in short 'the Tribunal), Chandigarh, vide which a total compensation of ₹4,00,000/- was allowed to the applicants-respondents along with interest @ 6% per annum from the date of filing of claim application i.e. 22.09.2011 till the date of passing of the judgment. The Railway was allowed 60 days time to make the said payment, failing which, the applicants should be entitled to simple interest @ 9% per annum from the date of passing of the judgment till realization.

I have heard learned counsel for the parties and have also carefully gone through the case file.

In this case, as per case of the claimants-respondents one Jittan

had gone from Phillaur to Gaziabad. While on back journey, he purchased a

ticket from Gaziabad railway station for Phillaur. At platform No.2 Phillaur, while deboarding the train, he fell down and was ran over by the train. A ticket from Gaziabad to Phillaur was recovered from the person of deceased.

Learned counsel for Union of India-appellant has argued that it is a case of illegal crossing of railway line not a case of fall from the train.

I am of the view that this appeal is frivolous and without any ground. In this case, one Chhinda Singh, Head Constable, PPHC/Phillaur was examined as court witness. He being eye witness of the occurrence stated that on 21.02.2011, he was on duty from 20 to 8 hours on Phillaur railway station platform. When the super train came and was going to start, the passengers were de-boarding and he was doing his duty. He saw that one person while de-boarding the train, due to slip of his foot, went under the train. He tried to inform the guard but as he was sitting inside his cabin and the train was gaining speed, he could not inform the guard. He then informed his incharge on mobile, who instructed him to get a memo issued from station master. Then he went to station master, who told him that no guard or driver informed him about the incident. Hence, he will not issue memo.

The evidence of eye witness clearly shows that it is a case of accidental fall from the train while de-boarding the same at the platform. It appears that the train must have halted at Phillaur for few minutes and when the passenger were de-boarding, the train started and one of the passengers fell down and was ran over by the train. As such, the appeal is found frivolous and is, accordingly, dismissed.

The Railway is directed to comply with the judgment dated

04.03.2013 passed by the Tribunal. The amount, if already deposited be

disbursed to the claimants-respondents, in terms of the said judgment and if not deposited, the same shall be deposited, immediately with interest, in terms of the said judgment.

(KULDIP SINGH)
JUDGE

November 10, 2016
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No