

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1641 of 2012 (O&M)

Date of Decision: 21.02.2017

RAMESHWAR AND OTHERS

... Appellants

VS.

***UNION OF INDIA THROUGH GENERAL MANAGER, NORTHERN
RAILWAY.***

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

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

 Ms. Chetna Rao, Advocate,
 for the respondent.

KULDIP SINGH, J (ORAL)

This is the first appeal filed against the judgment dated 08.12.2011 passed by the learned Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short “the Tribunal”) vide which the claim application filed by the applicants-appellants for grant of compensation was dismissed.

The case of the applicants-appellants as put forward in the claim application is that on 27.02.2010, Ranjit Kumar (now deceased), who was working as a private teacher, was to go from Anandpur Sahib to Chandigarh to attend convocation. The deceased-Ranjit Kumar went to Anandpur Sahib Railway Station alongwith his younger brother namely, Raghunath Kumar, where his brother purchased the journey ticket from Anandpur Sahib to Chandigarh for the deceased-Ranjit Kumar, who boarded the train No. 2058 Dn. Thereafter, his brother went back to his home. When the train reached at

FAO No. 1641 of 2012 (O&M)

KM 23/02-03 in between Morinda and New Morinda Railway Station, the deceased-Ranjit Kumar accidentally fell from the running train and died at the spot. His articles like cash, mobile phone, one shopping card, on Indian Mazdoor Union Sangh Card, convocation letter and a B.A. degree were found scattered near the dead body. The gang man informed the Station Master, Morinda, that a dead body was lying near down line track and thereafter GRP was informed which reached there and conducted inquest proceedings. In the search, one purse containing cash, shopping card and some other cards and mobile phone were found. It also comes out that the deceased-Ranjit Kumar was married and having two sons.

In reply, the Railways took the plea that no ticket was recovered from the deceased-Ranjit Kumar. It was further stated that in the said train No. 2508 (Jan Shatabdi), there is no general compartment but only reserved compartments are there. It was also denied that the deceased was travelling in the said train.

From the pleadings, following issues were framed: -

1. *Whether the deceased was a bonafide passenger as alleged?*
2. *Whether the incident in question is covered within ambit of Section 123 (c) (2) read with Section 124-A RCT, Act?*
3. *Whether the applicants are the only dependents of the deceased?*
4. *Relief.*

The Tribunal decided the issue No. 1 and 2 against the applicants/appellants and consequently dismissed the claim application.

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

FAO No. 1641 of 2012 (O&M)

The perusal of the documents in the file shows that the dead body was found lying between the Morinda and New Morinda Railway Station by the side of the railway track. In this regard, Mem Singh, Assistant Station Master (RW-4), Morinda Railway Station was examined. He stated that he was informed by Surinder Kumar, Gateman (Gate No. 24-B) that a dead body is lying at the down track of Morinda Railway Station. He further asserted that the train No. 2508 (Jan Shatabdi) does not pass through that line nearby which the dead body was found lying as the said train takes turn from Morinda Railway Station to Junction cabin Morinda for Chandigarh route. The witness was also cross examined but nothing useful could be found from the cross-examination. Therefore, at the first instance, it is established from the site plan as well as from the statement of the Assistant Station Master that the dead body was lying at a place from where the said train No. 2058 (Jan Shatabdi) from Anandpur Sahib to Chandigarh does not pass. Therefore, the entire story of the applicants-appellants that the deceased was travelling in the said train No. 2058 (Jan Shatabdi) from Anandpur Sahib to Chandigarh collapses.

In addition to this, the Railway has also examined the Ticket Collectors of the AC compartments and Second Class reserved compartments namely; Prem Singh Rana and Anil Pal (RW2 and RW3 respectively), who had stated that on the said date they had checked the tickets of all the passengers and that no ticketless passenger was found and that nobody approached them for upgradation of the ticket. Balram, Railway Gurad, who was on duty on the said train from Anandpur Sahib to Chandigarh has stated that the train left from Una at 5.00 A.M. and crossed Morinda Railway

FAO No. 1641 of 2012 (O&M)

Station at 7.00 A.M. through the main line as it has no stoppage at Morinda Railway Station. Thereafter, the train reached Ambala Cantt. at 8.30 A.M. The train was only upto Ambala Cantt and does not go to Chandigarh. According to him, nobody had fallen from the said train on 27.02.2010. As per the case of the applicant-appellants themselves, the deceased was to go from Anandpur Sahib to Chandigarh. However, it comes out that the deceased was to attend convocation at Fatehgarh Sahib. The convocation letter on the file shows that the scheduled time of the convocation was 11.00 A.M. and the candidates had to reach at 8.00 A.M. for rehearsal of convocation. It is not understood as to why the deceased-Ranjit Kumar was going from Anandpur Sahib to Chandigarh on a train which goes only upto Ambala (Cantt.) and then was to go from Chandigarh to Fatehgarh Sahib. In this process he is likely to miss the target of reaching at Fatehgarh Sahib even at 11.00 A.M. whereas he was to reach at 8.00 A.M for rehearsal of the convocation. The convocation letter shows that the deceased was infact to go to Fatehgarh Sahib, but the dead body was found between the Morinda and New Morinda Railway Station from where the said train No. 2058 (Jan Shatabdi) does not pass. Therefore, the entire story that the deceased boarded the said train (Jan Shatabdi) from Anandpur Sahib to Chandigarh collapses. Moreover, No ticket was recovered from the deceased, though some papers were recovered which were lying scattered near the dead body. The convocation letter, B.A. Degree and a purse containing cash, identity card were found. If loose papers could be found at the spot then there is no reason that the ticket, if any, could not be found.

FAO No. 1641 of 2012 (O&M)

The learned counsel for the appellant also relied upon the certain authorities i.e. *Parisa Anjali Vs. Union of India*, 2010 (3) R.C.R. (Civil) 472, *Akhtari Begum Vs. Union of India (Patna)*; 2008(1) PLJR 627 Raj Kumari and Another Vs. Union of India; 1993 ACJ 846 and judgement dated 23.03.2015 passed by this Court in FAO No. 1988 of 2013 titled as '*Jasbir Kaur and another Vs. Union of India*'; However, these authorities are on the point where a person boards the wrong train or boards the train with an intention to buy a ticket or when the ticket is lost in the untoward incident. However, these are not attracted in the present case.

It being so, I do not find any ground to interfere with the impugned judgment of the Tribunal. Hence, the appeal stands dismissed.

February 21, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
<i>Whether speaking / reasoned</i>	:	Yes	/ No
			✓
<i>Whether Reportable</i>	:	Yes	/ No