

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

FAO No. 3517 of 2012
Date of Decision: 08.02.2017

SHEELA AND OTHERS

... Appellants

VS.

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

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. S.S. Kharb, Advocate,
for the appellants.

Mr. Sandeep Vermani, Advocate,
for the respondent.

KULDIP SINGH, J (ORAL)

This is the first appeal filed against the judgment dated 24.02.2012 passed by the learned Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short “the Tribunal”) vide which the claim application filed by the appellants for grant of compensation was dismissed.

Brief facts of the present case as alleged by the applicants-appellants are that on 11.05.2009, Dilbag Singh (Since deceased) had gone to meet his father-in-law, Baje Singh at Panipat. While he was returning from Panipat, Baje Singh accompanied to see off him upto Panipat Railway Station. He purchased a journey ticket and asked Baje Singh to go as the train was stated to arrive after some time. Thereafter, Dilbag Singh had met with an accident and his dead-body was found from the railway tracks at the end of the platform. He was removed to the Civil Hospital, Panipat where he was declared dead. It is claimed that the journey ticket was lost in the accident.

In reply, the Railways claimed that the deceased-Dilbag Singh was not a *bona fide* passenger as no ticket was recovered from his personal search. Therefore, the Tribunal denied the claim of the claimants-appellants.

From the pleadings, the following issues were framed: -

- “1. *Whether the deceased was a bonafide passenger at the time of accident?*
2. *Whether the deceased died in such accident, which comes under the definition of Section 123 (c) (2) of the Railway Act?*
3. *Whether the applicants are only dependents of the deceased?*
4. *Relief.*”

The Tribunal, after hearing both the parties and considering the fact that no ticket was recovered from the deceased, has taken the view that the deceased did not die in an untoward incident as defined under 123 (c) (2) read with 124 (A) of the Railways Act, rather deceased died after being run over by the train while crossing the railway lines and accordingly, dismissed the claim application of the applicants-appellants. Against the said judgment, the appellants have come up in the present appeal.

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

In this case, Niazuedin, Sub Inspector, RPF, Panipat was examined who stated that during inquiry, it came out that the deceased-Dilbag Singh was run over while crossing the railway lines on 11.05.2009. Parveen Kumar Gupta, Station Master, Panipat also made the similar statement. In the DRM report also same version is recorded. Admittedly, in this case, from the personal search of the deceased-Dilbag Singh, done at the Civil Hospital, Panipat, nothing was found except a diary in which various

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telephone numbers were written. However, no ticket was recovered from the personal search of the deceased-Dilbag Singh.

The accident is stated to have taken place on the other end of the Panipat Railway Station, where the track changes. Now, firstly, this Court is to examine whether this is a case of fall from the train as claimed by the applicants-appellants or it is a case of run-over by the train as found by the Tribunal? For this purpose, the injuries mentioned in the post-mortem report dated 12.05.2009 are very material. As per the post-mortem report, following injuries were found on the person of the deceased-Dilbag Singh: -

- *“A well built dead body of a male wearing cream coloured shirt and trousers and sky blue under wear both eyes and mouth partially R.M. cannot be commented upon.*
- 1. *Complete amputation of right hip with crushing of right foot and ankle.*
- 2. *Complete amputation of upper part of left thigh and left foot.”*
- 3. *Complete amputation of Right upper limb at shoulder with crush injury of distal region.*
- 4. *Complete amputation of left upper limbs at middle of arm and forearm.*
- 5. *Multiple contusion over face, back, upper and lower limb.”*

The nature of aforementioned injuries clearly shows that not only feet of the deceased were amputated, but both the arms were also amputated.

After considering the injuries, I am of the view that such injuries cannot be sustained in case of fall from the train whereas, such injuries are most likely are sustained when one is crossing the railway line and is run over by the running train. The incident took place at the end of the platform

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where the track changes. Therefore, there is a strong possibility that while coming to the railway platform, he was unauthorizedly crossing the railway line and consequently, run over by the running train. Moreover, no ticket was found from him although a diary was recovered.

In these circumstances, there is no ground to differ with the view taken by the Tribunal that the deceased-Dilbag Singh was not a bona fide passenger of the train and consequently, the appellants are not found entitled to any compensation.

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

February 8, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No