

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1743-2013
Date of Decision :01.03.2017

RAJ RAJNI @ RAJ

.....Petitioner

Versus

UNION OF INDIA

.....Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.S.Budhwar, Advocate
for the petitioner.

Ms. Abha Rathore, Advocate
for the respondent.

KULDIP SINGH, J. (ORAL)

The present appeal is filed against the judgment dated 31.12.2012 passed by the Ld. Railway Claim Tribunals, Chandigarh Bench, Chandigarh vide which the claim application filed by the appellant-claimant was dismissed.

Facts of the case are that on 06.10.2010 Dharampal (now deceased) husband of the appellant-claimant had gone to Chowk Mehta. He boarded train No.2ALH from Beas Railway Station for Ludhiana Railway Station. The train halted at Ladhawal Railway Station at platform No.2. It is stated that Dharampal-deceased was going to platform No.1 for fetching water when he was run over by Sachkand Express, train No. 2715 coming from Ludhiana to Amritsar. Dharampal-deceased got seriously injured and died at the spot.

In the reply the railway took the stand that Dharampal-deceased tried to cross the railway track illegally. Further, he was not a passenger of

the train at the time of accident much less a bona fide passenger.

It was stated that train No.2ALH has no stoppage at Ladhowal Railway Station . From the pleadings of the parties, following issues were framed:-

- 1. Whether the deceased was a bonafide passenger at the time of incident?*
- 2. Whether the incident is covered within ambit of section 123(c)(2) read with Section 124-A of the Railways Act?*
- 3. Whether the applicant(s) is/are the sole dependent of the deceased in this case?*
- 4. Relief.*

The stand of the appellant-claimant themselves shows that deceased had boarded train no.2 ALH from Beas to Ludhiana. The train had no scheduled halt at Ladhowal Railway Station. For the one or the other reasons, may be due to waiting for the signal or for other technical reason, the train had unscheduled halt at Ladhowal Railway Station at platform No.2. It is the claim of the claimant-appellant that deceased was going from platform No.2 to platform No.1 for fetching drinking water, when he was run over by Sachkand Express going from Ludhiana to Amritsar. A ticket was recovered from the personal search of the deceased.

I am of the view that there is no illegality and infirmity in declining the compensation. When the train No.2ALH had unscheduled halt at Ladhowal Railway Station, it was not announced as for how long the train is going to halt. The statement of Assistant Station Master shows that water facility was provided at platform No.2 as well. Therefore, there was no reason to go from platform No.2 to platform No.1 and that too by unauthorizedly crossing the railway track. It was night time. It is also to be

noted that Ladhawal Railway Station is at a short distance from Ludhiana Railway Station. Therefore, there is a possibility that deceased might have deboarded the train at Ladhawal Railway Station to reach his residence, apprehended that the train might halt there for a longer time. The deceased was a resident of New Ashok Nagar, Salim Tapri, Ludhiana which is towards the outskirts of Ludhiana.

In this case, the deceased was unauthorizedly crossing the railway track which itself is a criminal offence. At the time of the incident, deceased was not the passenger of the train. Therefore, the Tribunal rightly held that no compensation is payable to the appellant by the Railway.

In view of the above the appeal stands dismissed.

(KULDIP SINGH)
JUDGE

March 01, 2017
Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No