

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.29 of 2017

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 ('the Act', for brevity), is filed by the appellants-applicants challenging the order, dated 23.09.2016, passed in O.A.A.No.444 of 2008 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellants-applicants, the learned Standing Counsel for the respondent-Railways and perused the record.

3. Learned counsel for the appellants would contend that on 02.04.2008, the deceased-R.Chandrasekhar purchased a journey ticket and was travelling from Warangal to Jangaon by Train No.17201-Golconda express. While travelling by the said train, he accidentally fell down at Raigiri Railway Station, suffered fatal injuries and succumbed to the same. Though the journey ticket was recovered from the apparel of the deceased, the Tribunal erroneously held that the deceased was not the bona fide passenger of the subject train and did not die in an untoward incident of accidental fall from the subject train and ultimately, prayed to allow the appeal.

4. Learned counsel for the respondent-railways would contend there was no journey ticket. The dead body of the deceased was found on a different track. The Tribunal rightly appreciated all the facts and circumstances of the case and ultimately, dismissed the

claim petition. There is nothing to take a different view and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel for both sides, the points that arise for determination are as follows:-

1. Whether the deceased-R.Chandrasekhar was a *bona fide* passenger of Train No.17201-Golconda express travelling from Warangal to Jangaon on 02.04.2008?
2. Whether the deceased-R.Chandrasekhar died in an untoward incident of accidental fall from the subject train?
3. Whether the impugned order is liable to be set aside/ confirmed?
4. To what relief?

6. As per the evidence and the material placed on record on behalf of the railways, the dead body of the deceased-R.Chandra Sekhar was found at platform No.1 and Up/line, whereas train No.8646 express passed on D/Line. This is a different track by which Golconda express passed from Warangal to Jangaon and to its onward destiny. The finding of the dead body at a different track falsifies the case of the applicants. Under these circumstances, it cannot be construed that the deceased had travelled beyond the destination with a valid journey ticket. The ticket recovered in the subject case is of no use to the appellants-applicants to hold that the deceased was a *bona fide* passenger of the subject train. There is no evidence that the deceased was travelling in Train No.17201-Golconda express or by any other train on 02.04.2008. The Tribunal had elaborately dealt with all these aspects and rightly dismissed the application for grant of compensation. There is no infirmity in the impugned order. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed, confirming the order, dated 23.09.2016, passed in O.A.A.No.444 of 2008 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 14.12.2018
ssp

