

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

C.M.A.NO.1126 OF 2014

JUDGMENT:

Aggrieved by the order dated 24.01.2014 in O.A.A.No.244 of 2008 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad, the appellant-respondent filed this appeal under Section 23 of the Railway Claims Tribunal Act, 1987.

2. Heard both sides. Perused the record.

3. The facts of the case, in brief, are that on 21.03.2008, Singiri Sateesh @ Sathipandu-deceased went to Tuni railway station along with his paternal uncle Singiri Subbarao and one Mr. K.Jaggarao to give them send off by Ratnachal Express. Both of them purchased tickets from Tuni to Rajahmundry and the deceased purchased platform ticket and they all boarded train No.2717 Ratnachal Express in II class general compartment behind the engine. The deceased carried and placed the luggage belonging to the two passengers and he came to the door to get down from the train but the entrance of the door was blocked by many passengers. By then, the engine and some bogies of the train had passed the platform and the deceased who was at the door slipped and fell down from the train due to jerks and movement of the running train. He got injured and died on the spot at Tuni railway station.

4. The main contention of the appellant-Railways is that when the train bearing No.2717 - Ratnachal Express left Tuni Railway Station on 21.03.2008 at about 14.06 hours, the ticket-Ex.A1 found in possession of the deceased is a platform ticket, which was issued on 21.03.2008 at 14.05 hours. It is further contended that

there is no possibility for a person purchasing a ticket at 14.05 hours and boarding a train within one minute and falling down from the train, that too when the train proceeded for 700 meters away from the station.

5. In this regard, there is possibility of discrepancy in departure time of the train. Sometimes, the train moves for few meters and stops and again it moves further to the destination. When the train moves for the first time, that time would be taken into consideration and it is recorded as the time of departure of the train. In such event, there is possibility of discrepancy with regard to the accurate/correct time of departure of the train. Admittedly, Ex.A1 is a platform ticket. There can be variation with regard to the time of departure of the train. The Tribunal, having analyzed the material on record, rightly dismissed the application.

6. The appeal is devoid of merit and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(DR. SHAMEEM AKTHER, J)

5th November 2018
RRB