

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

**FAO No.4591 of 2013 (O&M)  
Date of Decision:05.07.2018**

Union of India ...Appellant

Versus

Kasturi Lal ...Respondent

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA**

Present: None for the appellant.

Ms. Ekta Thakur, Advocate  
for the respondent.

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**G.S. SANDHAWALIA, J. (ORAL)**

The present appeal under Section 23 of the Railways Claim Tribunal Act, 1987 (in short, 1987 Act) is directed against the order dated 25.03.2013 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh. The Tribunal has awarded a sum of Rs.1,92,000/- alongwith interest @ 6% per annum from 04.10.2011 i.e. the date of filing the application till the date of the award. Further, interest @ 9% per annum has also been awarded till realization of the same. It is not disputed that the amount already stands paid to the claimant.

The Tribunal has recorded a factual finding as such that the respondent was a bona fide passenger on the date of travel i.e. 18.08.2011 and the incident in which he was involved is covered under Section 123(c)(2) read with Section 124-A of the Railways Act, 1989 (for short, '1989 Act'). He had boarded that train at Ambala and was having valid railway ticket No.56307787 which was from ex-Ambala City to Saharanpur, purchased at about 18:14 hrs. for Rs.15/-. It has also come

on record that the train had arrived Ambala City Railway Station at 18:30 hrs and made departure at 18:40 hrs. During the process of departure, the respondent-claimant had fallen down and got injured and the official of the railway had also recorded his statement wherein the factum of the said ticket had also been mentioned. The verification was also done by the railway authority and it was found correct and a certificate was issued by the Chief Booking Supervisor, Ambala City which is annexed along with DRM's enquiry report.

In such circumstances having found that he was having a valid journey ticket and was a bona fide passenger and had fallen down from the moving train by placing reliance upon the judgment passed by the Apex Court in **Union of India Vs. Prabhakaran Vijaya Kumar and others, 2008(3) SCR 813**, the issues were decided in favour of the claimant. Regarding the injury also it was noticed that the Discharge and Follow Up Card of PGI/Chandigarh showed the date of admission as 19.08.2011 and date of discharge as 22.08.2011 which was placed on record which shows total amputation mid foot (right) and fracture on surgical neck humerus (left).

In such circumstances, keeping in view the Schedule of Injuries appended to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended in 1997, the amount of compensation as such has been awarded.

Once the factual finding as such has been recorded and which is clear from the record of the case also in as much as Ex.P1 would go on to show that *fard maqboojgi* (recovery memo) wherein ticket itself has been mentioned when the statement of the respondent-claimant was

recorded on the same date. The enquiry report placed on record would also go on to show that the Station Superintendent, Ambala had noted the untoward incident which had taken place regarding a person having fallen down from the train No.64512 and he had been sent for treatment at Civil Hospital. It is also the case of the claimant as such that from there he had been referred to PGI, Chandigarh wherein he remained admitted vide CR No.A3541097 on account of his right leg below knee which was amputated and was diagnosed with fracture on surgical neck humerus (left). The medical report thus is also on record to this effect that the incident had taken place on 18.08.2011 at about 06:30 PM at Ambala railway station while boarding the train and that he had fallen down and got injury to the right foot and the right leg was amputated. This fact has come on record and duly proved by the respondent claimant.

Keeping in view the fact that Section 124-A of the 1989 Act is in the form of beneficial piece of legislation and the appellants have rightly been found liable and as such the case of the claimants does fall within the exceptions of Section 124-A and it is proved that he was a passenger who had been injured in an untoward incident. The award of the Tribunal does not suffer from any infirmity which would convince this Court to interfere.

Accordingly, the appeal is dismissed.

05.07.2018  
pvd

**(G.S. SANDHAWALIA)**  
**JUDGE**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |