

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No. 921 of 2008

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 (for short, 'the Act'), is directed against the order, dated 12.04.2006, in O.A.A.No.238 of 2002, on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, the Tribunal).

2. The appellant in the C.M.A. is the applicant, and the respondent in the C.M.A. is the respondent, before the Tribunal. For better appreciation of facts, the parties hereinafter are referred to, as they are arrayed before the Tribunal.

3. The brief facts are that on 16-02-2002, while the applicant boarding train No.427 Guntakal to Guntur Passenger at Nandyal railway station at 8.00 AM., to go to Giddalur, fell down from the train, due to which, he sustained injury to his left leg and consequently, it was amputated. The applicant filed the above OAA seeking compensation.

4. Railways filed written statement denying the averments made in the application and prayed to dismiss the same.

5. The Tribunal, on consideration of both oral and documentary evidence available on record, dismissed the OAA, observing that the applicant failed to prove that he had an

accidental fall from the train as alleged by him, so as to fasten any liability on the respondent.

6. The learned counsel appearing for the applicant contended that the Tribunal erred in coming to the conclusion that the applicant failed to prove that he fell down from train while boarding and not appreciated the facts on proper perspective, therefore, he prayed to allow the appeal.

7. The learned Standing Counsel appearing for the Railways contended that the Tribunal has passed a well reasoned order and therefore prayed to dismiss the appeal.

8. As seen from the record, the Tribunal has rejected the claim of the applicant on the ground that there is no record to show that the applicant had fallen from the train in question; that he was not in possession of the ticket and that the Station Master was not informed about the accident.

9. The Tribunal has not appreciated the fact that after the accident, the applicant/injured was shifted to railway hospital and was provided treatment and a case was registered. Admittedly, in case of railway accidents, the employees of railway department and their families will be provided treatment in railway hospitals. Since the injured was provided treatment in railway hospital, this Court feels that rejection of claim made by the applicant is unjust and therefore, the impugned order is liable to be set aside.

10. Accordingly, the Civil Miscellaneous Appeal is allowed; the order dated 12.04.2006 in O.A.A.No.238 of 2002 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad is set aside; and compensation of Rs.4,00,000/- is awarded to the appellant as per the schedule. Miscellaneous petitions pending in this appeal, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 19.11.2019
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