

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.864 of 2019

JUDGMENT:

This appeal is preferred under Section 23 of the Railway Claims Tribunal Act, 1987 (for short 'the Act') by the claimants against order dated 22.04.2019 passed in OA II(U).No.146 of 2016 by the Railway Claims Tribunal, Secunderabad Bench.

2. The appellants in the C.M.A. are the applicants, 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. It is the case of the applicants that on 04.05.2016 at about 17.25 hours the deceased had been to Kamareddy Railway Station with a view to go to Secunderabad and purchased journey ticket and boarded train No.17640 Akola – Kacheguda express which was heavily crowded and when said train was passing between R.K. Puram and Safilguda railway station, the deceased accidentally slipped and fallen down near KM No.615/2-3 at about 08.00 PM and due to sustaining of serious injuries died. The applicants contended that he was a bonafide passenger and they are the dependents as per Ex.A6 & A.7 and they are entitled for compensation as per the schedule issued by the Ministry of Railways.

4. The respondent railways filed the written statement contending that the enquiry conducted revealed that guard of said train No.17642 did not notice any untoward incident and there is

no eye witness to the incident and it is a self inflicted injury and sought for dismissal of the claim.

5. The Tribunal failed in appreciating with the issues framed and rejected the case observing that the deceased was not a bonafide passenger and there is no untoward incident.

6. Admittedly, as per the final report and the ticket which is found, the deceased was traveling from Kamareddy to Secunderabad and the ticket timing about 17.28 hours and the body was noticed around 08.00 PM. In the inquest report, the ticket has been traced in the back pocket of the pant of the deceased and there are multiple lacerations on his entire body.

7. In view of the same, this Court finds that he is a bonafide passenger and it is an untoward incident accidentally fallen from the train and died.

8. Accordingly, the Civil Miscellaneous Appeal is allowed; the order dated 22.04.2019 passed in OA II(U).No.146 of 2016 by the Railway Claims Tribunal, Secunderabad Bench is set aside; and compensation of Rs.8,00,000/- is awarded to the appellants. The respondent/Railways shall pay the compensation awarded within three (3) months from the date of this judgment, failing which, interest at the rate of 9% per annum shall be paid on the compensation amount from the date of this judgment till the date of realization. Miscellaneous petitions pending in this appeal, if any, shall stand closed. No costs.

Miscellaneous petitions if any shall stand closed.

T.AMARNATH GOUD, J

Date: 21.11.2019
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