

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.517 of 2019

Date of Decision: 20.02.2019

Union of India

.....Appellant

Versus

Kanti Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanyam Malhotra, Advocate, for the appellant.

Harnaresh Singh Gill, J.

Challenge in the present appeal is to the award dated 20.08.2018 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, vide which the respondents, legal heirs of Laolo Manjhi, have been awarded statutory compensation of Rs.8 lacs.

The brief facts of the case are that on 9.11.2014, deceased Lalo Manjhi along with his wife Kanti Devi, boarded Farakka Express train from Bakhtiarpur Railway Station to Panipat, after having purchased two tickets. When the train halted at Sonipat Railway Station, both of them had alighted from the train to fetch drinking water, but could not re-board the train as the train had already left the station. Thereafter, at platform No.1 of the Sonipat Railway Station, Lalo Manjhi (since deceased), rushed towards another train, under the impression that it will also go to Panipat. His wife, Kanti Devi, tried to stop him from boarding the wrong train, but in the meantime, Lalo

Manjhi was hit by the side of the train and he fell down and as a result of having sustained grievous injuries, he died on the spot.

Kanta Devi along with other legal heirs of the deceased Lalo Manjhi, preferred an application under Section 16 of the Railway Claims Tribunal Act, 1987 read with Section 124-A of the Railways Act, 1989, for seeking compensation, on account of the death of Lalo Manjhi.

The learned Tribunal vide the award dated 20.08.2018, granted Rs.8 lacs as compensation alongwith simple interest 9% p.a., from the date of award till realization. The awarded amount has been ordered to be payable as per the following table:-

Sr. No.	Name of the applicant-dependent	Relationship with the deceased	Share of compensation amount to be distributed among the applicants
1	Kanti Devi	Wife	Rs.2,00,000/- (Rupees Two Lacs Only) alongwith proportionate interest.
2.	Champa	Minor daughter	Rs.1,00,000/- (Rupees One Lac Only) alongwith proportionate interest subject to furnishing of documentary proof qua her relationship with deceased Lalo Manjhi, alongwith her own ID proof.
3.	Nitish	Son	Rs.1,00,000/- (Rupees One Lac Only) alongwith proportionate interest subject to furnishing of documentary proof qua

			his relationship with deceased Lalo Manjhi, alongwith his own ID proof.
4.	Babloo	Son	Rs.1,00,000/- (Rupees One Lac Only) alongwith proportionate interest subject to furnishing of documentary proof qua his relationship with deceased Lalo Manjhi, alongwith his own ID proof.
5.	Rinku	Daughter	Rs.1,00,000/- (Rupees One Lac Only) alongwith proportionate interest subject to furnishing of documentary proof qua her relationship with deceased Lalo Manjhi, alongwith her own ID proof.
6.	Pinku	Daughter	Rs.1,00,000/- (Rupees One Lac Only) alongwith proportionate interest subject to furnishing of documentary proof qua her relationship with deceased Lalo Manjhi, alongwith her own ID proof.
7.	Sonia	Daughter	Rs.1,00,000/- (Rupees One Lac Only) alongwith proportionate interest subject to furnishing of documentary proof qua her relationship with deceased Lalo Manjhi, alongwith her own ID proof.

I have heard learned counsel for the appellant and also gone through the impugned award.

Learned counsel for the appellant has drawn the attention of this court towards the affidavit dated 24.01.2018 tendered by Sukhwinder Singh, Locopilot (Mail Express). As per the said affidavit, one person suddenly jumped in front of the engine of the train, when the said train had already crossed half of the platform, as a result whereof, the said person was thrown on one side. It is further stated in the affidavit that the deceased could not board a train in which he was travelling and got stuck as he jumped in front of the engine. This Court cannot rely upon the affidavit of Sukhwinder Singh as it does not reflect any specific name as to who was the person, who got stuck against the engine of the train and thrown on one side.

It has been further argued that the specific stand has been taken by the respondents before the Tribunal that the claim application is based upon the false and frivolous grounds. Lalo Manjhi died as a result of having been run over by the engine of the train while crossing the train and that he got stuck with the train, which was coming from Panipat side. Thus, the act of the deceased was a suicide, not covered under Sections 123 and 124-A of the Indian Railways Act, 1989.

I do not find any merit in the arguments raised by the learned counsel for the appellant. As per the facts and circumstances of the present case, deceased Lalo Manjhi, accompanied by his wife Kanti Devi boarded Farakka Express

from Bakhtiarpur Railway Station for Panipat. It is not disputed that they alighted at Sonipat Railway Station to fetch the drinking water and when they came back, the train, which they were travelling in, had already left the station. Since deceased Lalo Manjhi was an illiterate person, he got panic and ran towards platform No.1 hurriedly to board another train for Panipat. His wife Kanti Devi tried to stop him from boarding a wrong train, but in this process he got stuck with the body of the train and suffered grievous injuries resulting into his death at the spot itself.

A person, who boarded the train from his hometown to meet his son Nitish at Panipat, had no reason to commit suicide at Sonipat Railway Station, which is around 45 Kilometres from his destination i.e. Panipat. Rather to my mind, Lalo Manjhi was anxious to meet his son. Thus, the argument raised that Lalo Manjhi committed suicide by jumping before the moving engine, is not acceptable.

Even otherwise, if two interpretations are to be taken into consideration, then the one, which advances the cause of justice, should be preferred. The learned Tribunal has, while passing the award, rightly relied upon the judgment of the Hon'ble Supreme Court in Union of India Vs. Prabhakaran Vijaya Kumar and others, (2008)9 SCC 527, wherein the Hon'ble Supreme Court has held as under:-

“No doubt, it is possible that two interpretations can be given to the expression

“accidental falling of a passenger from a train carrying passengers”, the first being that it only applies when a person has actually got inside the train and thereafter falls down from the train, while the second being that it includes a situation where a person is trying to board the train and falls down while trying to do so. Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion, the latter of the above mentioned two interpretations i.e. one which advances the object of the statute and services its purpose should be preferred.”

Rather Section 124-A of the Railways Act, 1989 provides that when in the course of working a railway, an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration, a passenger, who is injured or killed, is entitled for compensation.

Thus, taking into consideration the evidence and material on record, it can safely be said that the incident in question would fall under the definition of untoward incident as boarding of a train cannot be held to be fatal in the present case. Moreover, the deceased and his wife Kanti Devi, were the bona-fide passengers and the deceased had sustained injuries

resulting into his death, while boarding a train. Thus, it cannot be said that deceased Lalo Manjhi had committed a suicide.

Consequently, I do not find any infirmity or illegality in impugned award passed by the learned Tribunal, which may warrant any interference by this Court in the present appeal.

Hence, the present appeal is dismissed.

(HARNARESH SINGH GILL)
JUDGE

20.2.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No