

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.559 OF 2010

JUDGMENT:

This appeal is filed by the appellant-Railways aggrieved by the Order, dated 21.01.2010, passed in O.A.A.No.59 of 2006 by the Railway Claims Tribunal, Secunderabad Bench, at Secunderabad (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the O.A.A.

3. The brief facts of the case are that on 02.05.2005, the applicant/injured wished to travel to Anakapalli with two young relatives and tried to board Train No.476 Rayagad Passenger, but lost his balance, fell down from the train, and was taken to Government Hospital (GGH), Vijayawada, and finally lost his right hand below shoulder. He stated that his ticket was lost. Hence, the applicant filed the above O.A.A. seeking compensation of Rs.4,00,000/-.

4. The respondent/Railways filed reply denying the averments made in the application and prayed to dismiss the same.

5. After considering the oral evidence of A.W.1 and R.W.1 and the documentary evidence of Exs.A-1 to A-3 & Exs.R-1 to R-3, the Tribunal awarded compensation of Rs.2,80,000/- directing

the Railways to deposit the amount within a period of three (03) months from the date of order.

6. Heard Smt Pushpinder Kaur, learned standing counsel for the appellant/Railways and Sri Munnangi Lakshma Reddy, learned counsel for the respondent/applicant. Perused the material record.

7. Smt. Pushpinder Kaur, learned standing counsel appearing for the appellant-Railways, contended that the applicant tried to board Train No.476 Rayagad Passenger, but lost his balance, fell down from the train, which amounts to self-inflicted injury for which the Railways are not liable to pay any compensation and granting of compensation by the Tribunal is not proper and hence, he prays to set aside the impugned order.

8. On the other hand, Sri Munnangi Lakshma Reddy, learned counsel appearing for the respondent/applicant contended that the applicant was a *bona fide* passenger travelling in the passenger train with a valid ticket and that the applicant has fallen down from the train accidentally and sustained amputation of right hand below shoulder and that therefore, the Tribunal rightly granted compensation and hence, there are no grounds to interfere with the impugned order.

9. It is apparent from the impugned order that the Member (Technical), who has passed the impugned order, dated

21.01.2010, is competent to decide the application in terms of the orders, dated 19.11.2007, passed by the Chairman in exercise of powers conferred by Section 4(4) of the Railway Claims Tribunal Act, 1987, authorising Single Member Bench to exercise the jurisdiction, powers and authority of the Railway Claims Tribunal in respect of trying and deciding of all cases relating to untoward incident and train accident, irrespective of the amount claimed.

10. Insofar as the other contention that the applicant is not a *bona fide* passenger and was not travelling in Train Nos.471 & 476 and the manner in which the applicant fell down and was grievously injured leading to amputation of his right hand below shoulder and was not justified in claiming and has not supported his case is concerned, the appellant/Railways, in this regard, has examined the Station Superintendent as R.W.1 and his evidence supports the case of the applicant with regard to the accident and insofar as the *bona fide* passenger is concerned, he was there in the Railway Station and the absence of ticket cannot be construed that he cannot be a *bona fide* passenger and a ticketless traveller since it is his case that the ticket was lost at the time of the accident.

11. With the above observation, this Court finds that there are no grounds to interfere with the impugned order passed by the

Tribunal and the order passed by the Tribunal is just and proper.

12. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 21.01.2010, passed in O.A.A.No.59 of 2006 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad. There shall be no order as to costs.

Miscellaneous petitions pending in this appeal, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 3rd January, 2020

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