

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.694 of 2016**

Union Of India Through The General Manager, Eastern Railway, Kolkata

... .. Appellant/s

Versus

Shri Manoj Kumar Gupta S/O late Bhagwat Prasad, Resident of village-  
Wolipur, Post Office and Police Station- Jamalpur District-Munger, Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : None.

For the Respondent/s : None.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      14-12-2022      No one appears on call.

On 30.11.2022, the following order was passed :

*"On call, no one appears on  
behalf of the Railways.*

*The appellant preferred the  
present appeal challenging the order  
dated 18.3.2016 passed by the Railways  
Claim Tribunal, Patna Bench, Patna  
(henceforth for short 'the Tribunal') in  
Claim                      Case                      No.  
MA(OA)0028/2008(MA/OA/33/08) by  
which the claim application of the  
applicant-respondent, Manoj Kumar  
Gupta was allowed with a direction to*



*the Railways to pay a sum of Rs. 2,14,647.38/- with simple interest of 10 per cent within a period of 60 days failing which additional 2 per cent interest shall be paid till the same is realised.*

*2. A brief history of the case is/are as follows :-*

*3. The applicant-respondent, Manoj Kumar Gupta, holding a valid second class train ticket No. 32738299 boarded Gaya-Howrah Express Train from Jamalpur Junction to the destination from Bhagalpur Junction and due to heavy rush inside the coach of the train, he was standing near the gate.*

*4. However, due to jostling of the passengers, he tried to step down at Nath Nagar Railway Station and lost his balance and fell down from the train which resulted into auto amputation of his right leg below the knee joint.*



5. *The injured was taken to the Jawaharlal Nehru Medical College and Hospital, Bhagalpur and later referred to Rehman Clinic Nursing Home, Bhagalpur. Since, he received serious injuries leading to amputation of his right leg below the knee joint, he preferred the Claim Case No. MA(OA)0028/2008(MA/OA/33/08) for compensation of Rs. 2,14,697.38/-.*

6. *The Railways filed its written statement claiming that he was actually trespassing the railway line when he was hit by the train and as such is not entitled to any compensation.*

7. *The Tribunal framed the following issues :-*

*(i) whether the injured was a bonafide passenger?*

*(ii) whether the applicant was injured in an untoward incident, as defined under Section 123(c)(2) of the*



*Railways Act, 1989?*

(iii) whether the applicant/injured is entitled to receive any compensation, if yes to what extent?

8. 'The Tribunal' thereafter came to a definite conclusion stating therein that while the claimant has put forward the following documents in support of his case i.e. the Station Memo (Ext.A2), Medical Report of Jawaharlal Nehru Medical College and Hospital, Bhagalpur (Ext.A3), Medical Report of Rahman Clinic and Nursing Home (Ext.A5), Disability Certificate (Ext.A6) which indicates that he got injured due to falling down from the Train No. 3024 Down Exp.

9. The opposite party, on the other hand did not led any evidence in support of its case that in a bid to commit suicide and/or trespassing the railway line, he got injured.



10. *'The Tribunal' further recorded that the opposite party did not even bother to lead any single piece of evidence in support of his allegation/defence.*

11. *Accordingly, taking into account the fact that the Doctors have certified him to be a person with 60 per cent disability, 'the Tribunal' following the compensation rules held that the applicant-respondent is entitled to Rs. 2 lakhs with Rs. 14,647.38/- along with 10 per cent interest per annum to be paid within a period of 60 days failing which 2 per cent per annum will also be charged till it is realised.*

12. *As stated above, no one has represented the Railways.*

13. *As a last chance, the matter is adjourned for two weeks when an appropriate order will be passed."*

No one has taken pain to appear on behalf of the



Railways.

The M.A. No. 694 of 2016 is dismissed for non-prosecution.

**(Rajiv Roy, J)**

Prakash  
Narayan/Ajay/-

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