

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.16 of 2022

Union of India

Appellant

Mr. J. Nayak, C.G.C.

-versus-

Satyabhama Raul and another

Respondents

Mr. S. Sahoo, Advocate

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

13.10.2022

Order No.

02.

1. Heard Mr. J. Nayak, learned C.G.C. for the Appellant-Union of India and Mr. S. Sahoo, learned counsel for the Respondents-claimants.

2. Present appeal is directed against the judgment dated 01.11.2021 passed in Case No.OA(IIU)/69/2018 by the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar, wherein compensation to the tune of Rs.8,00,000/- has been granted in favour of the claimants along with simple interest @6% per annum from the date of incident till the date of judgment on account of death of the deceased in an untoward incident dated 24.01.2018.

3. Mr. J. Nayak, learned C.G.C. for Appellant-Union of India submits that in absence of journey ticket found from possession of the deceased, he cannot be treated as a bonafide passenger and therefore, the claimants should not be entitled for any compensation.

4. The case of the claimants is that the deceased, namely, Sahadev Raul while coming in Yaswantpur-Howrah Express on 24.01.2018 died due to accidental fall from the train. His dead-body was found lying at KM No.636/28-26 on the left side of the railway track in between JPI-IPM railway station.

5. Mr. S. Sahoo, learned counsel submits on behalf of the Respondents-claimants that the deceased was a bonafide passenger, who travelled from Mangalore to Vizianagaram and from Vizianagaram to Balugaon. His previous tickets in the connected train were though found from his possession, but the ticket in respect of the Train No.12864 was lost in the accident. Therefore for absence of the journey ticket the case of the claimants cannot be negated to deprive them from compensation.

6. It reveals that the recovery of the dead body near the railway track is not disputed. It is established in the enquiry by the DRM. The police upon investigation has confirmed the death of the deceased due to accidental fall from the running train. The nature of injuries found on the dead body during post mortem examination also satisfies the same. A.W.2, the witness examined from the side of the claimants has further added that he saw the deceased purchasing ticket from the counter and travelling in the train. In the circumstances, the contention of the claimants about loss of journey ticket in the accident is found more probable. When the death of the deceased is due to railway accident is established through the circumstances and the previous journey tickets in the connected trains were found from possession of the

dead body, the probability is in favour of the contention of the claimants that the deceased was travelling with a valid journey ticket. As such, no merit is seen in the contention of the Appellant-Union of India to disbelieve the case of the claimants regarding death of the deceased.

7. Accordingly, the appeal is dismissed being without merit.

(B.P. Routray)
Judge

