

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.316 of 2014

Jamuna Mohapatra

....

Appellant

Mr. B.P. Mohanty, Advocate

-versus-

Union of India and others

....

Respondents

Ms. S. Patra, C.G.C. for UoI

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

22.09.2022

Order No.

08.

1. Heard Mr. B.P. Mohanty, learned counsel for the claimant-Appellant and Ms. S. Patra, learned C.G.C. for Union of India-Respondent No.1

2. Present appeal is directed against the judgment dated 28.04.2004 passed in O.A. No.85 of 2004 by the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar, wherein learned Tribunal refused to grant compensation in favour of the claimant on the ground of self-negligence of the deceased.

3. After hearing Mr. Mohanty, learned counsel for the claimant-Appellant as well as Ms. Patra, learned C.G.C., it reveals that the Tribunal based on the evidence of R.W.1, the Station Superintendent, has come to the finding that the deceased while attempting to board the running train slipped and crushed under the train. The claimant examined one witness as A.W.1, who has said about detrainment of the deceased at Sakthigopal Station, who

again tried to board to the same train, i.e. Howrah-Puri Express after it started running. Said A.W.1 admits that the deceased tried to board the train while it was in motion and fell down on the track. This is what R.W.1 has stated on behalf of the Railway. As per R.W.1, he being the Station Superintendent saw the deceased trying to entrain after it started running and fell down.

4. Section 124-A(b) of the Railways Act provides that no compensation shall be payable if the passenger dies due to self-inflicted injury.

5. Self-inflicted injury in its literal term includes an injury inflicted by self-negligence. The action of the deceased to board a running train is definitely negligence on his part and cannot be attributed to the railway administration. Therefore, in view of the provisions contained in Section 124-A(b) of the Railways Act, the railway administration cannot be held responsible for payment of any compensation and as such no fault is seen in the approach of the Tribunal in rejecting the claim.

6. In the result, the appeal is dismissed.

(B.P. Routray)
Judge