

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.662 of 2018

Union of India

.... ***Appellant***
Ms. S. Patra, Advocate

-versus-

Rosan Oram and another

.... ***Respondents***
Mr. D. Pattanaik, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

03.08.2022

Order No.

08.

1. Heard Ms. S. Patra, learned counsel for the Appellant-Union of India and Mr. D. Pattanaik, learned counsel for the Respondent Nos.1 & 2-claimants.

2. Present appeal is directed against the award dated 20.04.2008 of the Railways Claims Tribunal, Bhubaneswar in Case No.OA(IIU)/73/2016 wherein compensation to the tune of Rs.8,00,000/- has been granted to the claimants on account of death of the deceased in an untoward incident dated 2.1.2016.

3. Learned Tribunal by coming to the conclusion that the death of the deceased in the untoward incident being established on record, the claimants are entitled to get compensation from South Eastern Railway and accordingly directed as such.

4. The main contention raised by Ms. S. Patra, learned counsel for the Appellant challenging the award is that since no ticket could

be recovered from the deceased, he was not a bonafide passenger in the train and thus the claimants are not entitled for any compensation.

5. The admitted fact of the case is that the dead body of the deceased was found on the Railway track near GRPS, Rourkela beside the up railway track at KM No.418/03/05 in between Panposh-Rourkela section on 2.1.2016. In the statutory reports of the DRM and the RPF (both marked in evidence before the Tribunal) and also the contents of the inquest report as well as post mortem examination report establish the fact of death of the deceased involving train accident. Ms. S. Patra also concedes to the same based on the finding recorded in the statutory enquiry reports. Therefore, only for lack of finding any ticket from possession of the dead body of the deceased, it would not be appropriate to conclude that he was not a bona fide passenger of the train.

6. Learned Tribunal upon relying the decisions of other High Courts has rightly come to the finding in support of the claimants that the death of the deceased is arising out of such untoward incident involving the railways. As such no merit is seen in the appeal, which is accordingly dismissed.

(B.P. Routray)
Judge