

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.168 of 2014

Union Of Inddia Through General Manager, East Central Railway, Hajipur

... .. Appellant/s

Versus

Anandi @ Anandi Devi Widow Of Late Baijnath Resident Of Village Pipra
Ganesh, P.S. Barun, District Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Kanak Verma, C.G.C.
For the Respondent/s : None.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

10 06-03-2024 Heard the learned counsel for the Union of India but
none appeared on behalf of the respondents.

2. This appeal has been preferred by the Union of India through General Manager, East Central Railway, Hajipur against the order dated 06.01.2014 passed by the Railway Claim Tribunal, Patna Branch in Claim Application No. OA 00331/2003, whereby the claim application of the applicant/respondent Anandi @ Anandi Devi, was allowed and the appellant was directed to pay Rs. 4 lacs as compensation with simple interest @ of 6% per annum from the date of registration of the application within 60 days from the date of pronouncement of the order, failing which, the entire amount would attract simple interest @ of 8% from 27.11.2003 till the date of realization.

3. Brief facts of the case is that the applicant Anandi @ Anandi Devi, wife of late Baijnath filed the above-noted application for compensation in lieu of death of her husband in 'untoward incident' as defined under Section 123(c) of the



Railways Act.

4. As per averments of the claimant, her husband, having privilege pass no. E187191 from Baghoi Kusa station to Shone-Nagar Railway Station, boarded Train No. 051 Up (Gaya-Dehri-on-Shone Passenger) for the destination Shone-Nagar. When the train was approaching Shone-Nagar Railway Station, the deceased came near the door of the train and accidentally, fell down from the train and succumbed to the injuries suffered by him.

5. The appellant/respondent filed written statement and denied the recitals of the applications including the factum of death of the deceased arising out of 'untoward incident'. It has also been pleaded in the written statement that the deceased was not a *bona fide* passenger. The widow of the deceased was examined as AW/01.

6. The documentary evidences exhibited on behalf of the claimant are as follows:-

(I) Ext. A/1 is the affidavit, submitted by the applicant at the time of filing of the FIR.

(ii) Ext. A/2 is the Voter I Card of the claimant Anandi @ Anandi Devi, which shows that she is the wife of the deceased.



(iii) Ext. A/3 is the FIR.

(iv) Ext. A/4 is the memo, issued by the Station Master, Shone-Nagar, which indicates that the deceased was run over at KM 548/27 at Shone-Nagar Station.

(v) Ext. A/5 is the inquest report, which shows that the deceased died due to injury suffered by him by falling from some train.

(vi) Ext. A/6 is the post-mortem report, which indicates that the cause of death of the deceased was shock and hamorrhage.

(vii) Ext. A/7 indicates the deceased fell down from the Train No. 051Up (Gaya-Dehri-on-Shone Passenger) as a result of which, he suffered injuries and died.

(viii) Ext. A/8 is the copy of privilege pass of the deceased.

(ix) Ext. A/9 is the death certificate of the deceased.

(x) Ext. A/10 is the dependency certificate showing the names of the dependents of the deceased.

7. Learned counsel for the appellant has submitted that the railway pass Ext. A/8 has no endorsement on backside of railway pass, as such, it cannot be relied upon. She has further submitted that when the railway pass cannot be relied



upon, it will suffice that the applicant has failed to prove that the deceased was a *bona fide* passenger and this fact makes the claimant disentitled from getting the compensation.

8. Learned counsel for the Union of India failed to produce any provision which makes the endorsement mandatory behind the back of railway pass. The railway pass has been exhibited as A/8. It was duly issued by the authority and it was valid on the date and time of the accident.

9. The plethora of documentary evidences enumerated hereinabove establishes that the deceased lost his life in an 'untoward incident' defined as under Section 123(c) of the Railways Act. He was a *bona fide* passenger as the privilege railway pass was produced by the claimant, which shows that on the date and time of the accident, the deceased was having it. As such, the claimant is entitled for compensation as per provisions of Section 124(a) of the Railways Act.

10. In my view, the impugned order is well-reasoned and does not require interference.

11. This Miscellaneous Appeal is dismissed.

(Nawneet Kumar Pandey, J)

Sudha/Nirmal

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