

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 22 of 2024

Marangmay Kisku, Aged about 70 years, Wife of Late Sona Tudu, Resident of Village/Mohalla & Mundmala, P.O.- Mangal Hat, P.S. Rajmahal, District Sahebganj

Applicant/Appellant

Versus

Union of India through the General Manager, Eastern Railway, P.O. and P.S. Kalighat, Dist. Kolkata

Respondent/Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant: Mr. Vijay Shanker Jha, Advocate

Mr. Abhishek Sharan, Advocate

For the Respondent: Mr. Shiv Kumar Sharma, Advocate

Mr. Ravi Prakash, C.G.C.

05/Dated: 23.09.2024

1. Heard learned counsel for the parties.
2. The present appeal has been filed against the judgment and order dated 20.10.2023, passed in Case No. OA(IIU)/RNC/35/2021 by the Members, Railway Claims Tribunal, Ranchi, whereby the claim application of the appellant has been dismissed.
3. It appears that railway accident took place on 29.11.2018 while the deceased was travelling from Kalyan Chak to Tinpahar station. Railway accident and other factors are not in dispute. Only ground for rejection is not a bonafide passenger. It appears that the Tribunal has taken note that in the inquest report there is no mention of ticket and as such production of ticket by the claimant subsequently is not acceptable. It further appears that the claimant has claimed that the ticket has been provided by the police who has seized the body. It appears that the police personnel has also been examined. Thus, the accident is not in dispute. The ticket has also been produced. Only on the ground of some discrepancy in the inquest report, the claim could not have been rejected. It is an accidental death based upon no fault liability.
4. Considering the peculiar facts of this case, the impugned judgment and order dated 20.10.2023, passed in Case No. OA(IIU)/RNC/35/2021 by the Members, Railway Claims Tribunal, Ranchi, is hereby, set aside. It is hereby, declared that the claimant is entitled for the compensation amount and accordingly, the respondent is directed to release the statutory amount with seven percent interest from the date of application till the date of payment.
5. With above observations and directions, the present Appeal is hereby, allowed and disposed of.

(Rajesh Kumar, J.)