



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125.30

FAO-2020-2020 (O&M)
Reserved on : 30.08.2024
Pronounced on : 29.11.2024

Anil @ Anil Taneja

..... Appellant

versus

Union of India

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nagar Singh, Advocate
for the appellant.

Ms. Ayushi Sharma, Advocate
for the respondent-UI.

PANKAJ JAIN, J. (Oral)

1. Assailing the judgement dated: 19.03.2019 passed by the Railway Claims Tribunal, Chandigarh vide which the appellant was held entitled to a sum of Rs 640,000 as compensation from the respondent-Railways, the appellant preferred the instant appeal.
2. The case of the appellant is that on 05.02.2017, he boarded Shakti Express train for his journey to New Delhi for which he had purchased an online journey-cum-reservation ticket. He stood near the gate of the coach and in the meantime the train started moving. Due to the push of the passengers, the appellant fell from the moving train and got seriously injured. Resultantly, suffered amputation.
3. A petition claiming compensation to the tune of Rs 8,00,000 from the respondent-Union of India was filed by the appellant before the learned Tribunal. The respondent contested the petition,



however, considering the evidence adduced and submissions made on behalf of the parties, learned Tribunal allowed the petition and awarded compensation to the tune of Rs. 6,40,000 in all to the appellant.

4. I have heard counsel for the parties and gone through the records of the case.

5. Applicant suffered amputation of heel of right foot and amputation of left leg below knee with stump about 3 inches. He also suffered rib fractures and stitches on his head and right shoulder was displaced.

6. Tribunal erred in concluding that injuries suffered by claimant fall within the ambit of item 19 Part III of the schedule. Amount of compensation is payable under Rule 3 of 1990 Rule which reads as under:

“3. Amount of compensation

(1) The amount of compensation payable in respect of death for injuries, shall be as specified in the Schedule

(2) The amount of compensation payable for an injury not specified in Part II or Part III of the Schedule but which, in the opinion of the Claims Tribunal, is such as to deprive a person of all capacity to do any work, shall be [rupees eight lakhs] [Substituted by G.S.R. 1165(E), dated 22.12.2016, 'rupees four lakhs' (w.e.f. 7.6.1990).].

(3) The amount of compensation payable in respect of any injury (other than an injury specified in the Schedule or referred to in sub-rule (2) resulting in pain and suffering), shall be such as Claims Tribunal may after taking into consideration medical evidence, besides other circumstances of the case, determine to be reasonable:

Provided that if more than one injury is caused by the same accident, compensation shall be payable in respect of each such injury:

Provided further that the total compensation in respect of all such injuries shall not exceed [rupees one lakh sixty thousand]



[Substituted by G.S.R. 1165(E), dated 22.12.2016, 'rupees four lakhs' (w.e.f. 7.6.1990).].

(4) Where compensation has been paid for any injury which is less than the amount which would have been payable as compensation if the injured person had died and the person subsequently dies as a result of the injury, a further compensation equal to the difference between the amount payable for death and the already paid shall become payable.

(5) Compensation for loss, destruction or deterioration of goods or animals shall be paid to such extent as the Claims Tribunal may, in all the circumstances of the case, determine to be reasonable.

7. Item 3 in Part II of schedule reads as under:

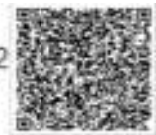
“(3) For double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot 8,00,000”

8. Amputation of right foot and left leg will fall under the said category for which claimant is entitled to Rs. 8,00,000.

9. Rib Fracture and shoulder bone displacement are unscheduled injuries. The compensation is to be assessed by the Court taking into consideration medical evidence and other circumstances. The claimant has suffered 60% disability. The medical evidence brought on record by the Applicant has remained unrebutted. The compensation for non scheduled injuries is assessed at Rs. 2,00,000.

10. The Appeal is hereby allowed. The Injured-Applicant is held entitled for enhanced compensation as under:-

- (i) compensation for amputation of right foot and left leg : Rs.800.000/-
- (ii) compensation for non-scheduled injuries : Rs.200,000/-



11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

29.11.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No