



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125.2

FAO-4462-2013 (O&M)
Reserved on : 30.08.2024
Pronounced on : 29.11.2024

Union of India

..... Appellant

versus

Santosh Kumar Jha

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Chander Mohan Sharma, Sr. Panel Counsel Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. The appellant is in appeal assailing the judgement dated 22.05.2013 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh vide which he was awarded compensation of Rs. 1,60,000 along with interest to the tune of 6% on account of injuries sustained by him due to an untoward incident.

2. The brief facts of the case are that on 22.10.2010, the appellant was travelling from Ambala to Jagadhri with ticket No. 93960664. Due to overcrowding in the train, he stood at the door of the compartment. Before the train reached Jagadhri workshop, it jerked due to a change of railway line and he slipped out of the train and his left leg came in between the train and railway line. He suffered contusions and abrasions all over his body and suffered 70% disability.

3. The appellant filed a claim petition claiming Rs 10,00,000 from the Respondent-Union of India before the Tribunal. The



respondent contested the claim on the ground that the alleged incident does not fall under Section 123(c)(2) and 124-A of the Railways Act. It was further averred that the incident happened due to negligent act of the appellant and injuries suffered, if any, are self-inflicted.

4. However, after hearing the rival contentions and evidence adduced, the Tribunal allowed the claim petition and awarded a claim of Rs 1,60,000 and along with interest in all.

5. Aggrieved, the claimant is in appeal seeking enhancement of the compensation awarded.

6. Learned Counsel for the Union of India submits that the ticket was produced by the injured subsequently on 23.10.2010 and thus, it is suspicious that injured sustained injuries while traveling in a Train.

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

8. In the inquiry conducted by DRM, the stand taken by the Union of India was that the incident occurred at Jagadhari workshop. The train that he was travelling on, does not have a stoppage there. The ticket produced was valid from Ambala Cantt. to Jagadhri Workshop. Even if the aforesaid contention is taken to be correct, the case may be where the injured was travelling other than for which he purchased a ticket, thus it does not render the claimant out of the purview of 'passenger'.

9. It has been found by the Tribunal that so far as the occurrence as well as injury is concerned, the same stands proved from the testimony of RW-2, Ramesh Kumar, Station Master, Railway Station, Jagadhri Workshop. Memo intimating about the fall of a person

from the train was issued. RW-2 is the one who sent the injured claimant to the railway hospital for treatment.

10. The injury suffered is a scheduled injury and has been granted compensation in accordance to the same. The appeal hereby is ordered to be dismissed.

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