

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.5562 of 2023 (O&M)
Date of Decision: 12.01.2024

Union of India
...Appellant

Versus

Pooja Rani and others
...Respondents

CORAM: *HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Shivoy Dhir, Senior Panel Counsel
 for the appellant-Union of India.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment as passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short ‘the Tribunal’), whereby the respondents-applicants-claimants (here-in-after to be referred as ‘the respondents’) have been awarded compensation to the tune of Rs.(08) eight lac, along-with interest thereon @ 8% per annum from the date of the incident till the date of the judgment, on account of the death of Sarabjit Sandhu in an untoward incident, the appellant-Union of India (here-in-after to be referred as ‘the appellant’) has chosen to prefer the instant appeal to lay challenge to the same.

2. As per the brief factual-matrix culminating in the filing of the present appeal, the respondents, being the wife, mother, father, son and the daughter of the above-named deceased respectively, joined hands to file an application for claiming compensation from the appellant, while averring

that on 28.09.2022, the deceased, along-with Shatan Jeev, was returning from Aishbagh to Jalandhar City in Train No.15707-Up and when this Train reached near the Railway Station at Jalandhar Cantt, he (deceased) accidentally fell down from the moving train and sustained serious injuries in this incident and succumbed to the same. The appellant filed its written-statement and contested the claim of the respondents therein, on various grounds. Then, the Tribunal framed the issues and both the parties led their evidence and after hearing their learned counsel, the Tribunal allowed the Claim Application and granted compensation to the respondents, as already discussed in the opening para of this judgment.

3. I have heard learned Senior Panel counsel for the appellant-Union of India in the instant appeal, at the preliminary stage and have also perused the file carefully.

4. The sole contention, as raised by learned Senior Panel counsel for the appellant in the present appeal, is that the occurrence/incident in question had taken place due to the negligence on the part of the deceased as he had tried to de-board the slow moving Train and hence, the injuries sustained by him in this incident, which resulted into his death, were 'Self-Inflicted Injuries', as envisaged under proviso (b), appended to Section 124-A of the Railways Act, 1989 (for short 'the Act of 1989') and in these circumstances, it is explicit that the appellant could not have been saddled with the liability to pay any compensation to the respondents.

5. However, the afore-raised contention is devoid of any merit because even if for the sake of arguments, it is presumed that the deceased

had suffered the injuries due to his own negligence, i.e by his having fallen down while allegedly trying to de-board the slow moving Train, even then, these injuries cannot be termed as ‘Self-Inflicted Injuries’ as contemplated under proviso (b) to Section 124-A of the Act of 1989, so as to disentitle the respondents from seeking compensation, because Hon’ble the Supreme Court has made categoric observations in **Union of India versus Rina Devi, Civil Appeal No .4945 of 2018 decided on 09.05.2018** to the effect that “*the death or injury in the course of boarding or de-boarding a Train would be an ‘untoward incident’ entitling a victim to the compensation and will not fall under the proviso to Section 124-A merely on the plea of negligence of the victim as a contributing factor*”. The present case is squarely covered by these observations and in the light thereof, it is held that the respondents are entitled to and have rightly been granted the compensation.

6. As a sequel to the fore-going discussion, it follows that the judgment under challenge, does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the appeal in hand, being bereft of any merit, stands dismissed.

January 12, 2024

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes