

Court No. - 4

Case :- FIRST APPEAL FROM ORDER No. - 346 of 2024

Appellant :- Sarju Dei

Respondent :- Union Of India Thru. General Manager, Northern Railway Baroda House, New Delhi

Counsel for Appellant :- Ashwani Kumar Srivastava, Anurag Tyagi, Virendra Kumar Srivastava

Hon'ble Rajnish Kumar, J.

1. Heard Sri Anurag Tyagi, learned counsel for the appellant.
2. Learned counsel for the appellant submits that the deceased was a bonafide passenger, who was traveling from Bachrawan to Lucknow Railway Station after purchasing a second class journey ticket. He fell down from train near Utretiya railway station on account of jerk in the train. However, learned tribunal failed to consider the same and wrongly and illegally dismissed the claim petition on the ground that the appellant has failed to prove the purchase of ticket and untoward incident.
3. Having considered the submissions of learned counsel for the appellant, I have perused the material placed on record alongwith this appeal.
4. The claim petition was filed claiming that the deceased was traveling on 10.03.2014 from Bachrawan to Lucknow Railway Station by Train No.54253; Prayag Lucknow Passenger after purchasing second class journey ticket. During course of traveling, he accidentally fell down from train during night on 10/11.03.2014 near KM 1057/8-1058/9 at Utreyita Railway Station, as a result whereof, he sustained injuries and died on the spot. The second class railway ticket from Bachrawan to Lucknow was lost in the incident. The inquest report was placed on record before the tribunal. After considering the opinion of the members of the inquest report, learned tribunal found that they have opined that

"राय पंचान- मृतक राजू की मृत्यु ट्रेन की चपेट में आ जाने के कारण आई चोटों के कारण मृतक राजू की मृत्यु का हो जाना प्रतीत होता है....."

5. The inquest report indicates that the mother of the deceased was present alongwith other relatives and had identified the deceased as her son Raju but she had nowhere stated to the police authorities, who were preparing the inquest report, that the deceased had been the victim of alleged untoward incident by falling down from the train. DRM report also indicates that the deceased was lying dead in the middle of the track and there was no evidence of his traveling in the train. The relevant portion of the DRM's report as recorded by the tribunal is extracted hereinbelow:

"..... जांच के दौरान प्रपट दस्तावेजों से सिद्ध होता है कि राजू के ट्रेन से यात्रा करने का कोई साक्ष्य नहीं मिला है। मृतक का घर घटनास्थल से मात्र 1-1/2 केएम दूर है। वाद पत्र में बछरावा से लखनऊ का टिकट लेकर यात्रा दर्शाया है, जो मनगढ़ंत है, मृतक के पास कोई यात्रा टिकट नहीं मिला। जांच में पाया कि लापरवाही पूर्वक लाइन पार करते समय ट्रेन की चपेट में आकर मृत्यु हुई है.....।।"

6. The tribunal also considered the statement of Sri Pan Singh, Gateman Gate No202/C, who stated during enquiry that on 11.03.2024 at about 7:00 there was crowd about 150 meters away from the gate and when he asked from the people, they told that a man is lying dead between the tracks and there is no cloth on his body. P.W. 2 appeared as eye witness of purchase of journey ticket by the deceased. However, in the cross examination he stated that he has not gone with the deceased and he further stated that he did not see the occurrence. Thus the tribunal recorded findings that the deceased was not a bonafide passenger of the train and untoward incident could not be proved by the appellant rather he was hit by train while crossing the railway line.

7. Learned counsel for the appellant could not show any evidence or material, which may create any doubt about the findings recorded by the

tribunal. This Court does not find any illegality or error in the findings recorded by the tribunal.

8. In view of above, the appeal has been filed on misconceived and baseless grounds.

9. Dismissed, accordingly.

Order Date :- 6.11.2024

Akanksha Sri.