

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4452 of 2017

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Urmila Devi Wife of Late Jagarnath Mahto, Resident of Village- Sheikh
Dhanwa, Pokhraira, P.S.- Jaintpur, Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union Of India through its Secretary, Ministry of Railway, Rail Bhawan, New Delhi
2. The Director, Ministry of Railways, Railway Board, Government of India, New Delhi.
3. The Deputy Director, Ministry of Railways, Railway Board, Government of India, New Delhi.
4. The General Manager Claims, Northern Railway, New Delhi.
5. The Divisional Railway Manager Commercial, Eastern Central Railway, Sonapur, District- Chapra.
6. The State of Bihar through Director General of Police, Patna.
7. The Superintendent of Police, Muzaffarpur.
8. The Station House Officer, G.R.P., Muzaffarpur Railway Station, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Pramod Rajpati, Shama Akhatar, Advocates
For the Union of India	:	Mr. Kumar Gangesh Gunjan, CGC
For the State	:	M/s Md. Nadeem Seraj, GP 5 Shahbaj Alam, AC to GP 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 24-01-2025

1. The petitioner, by way of this writ petition,

prays for the issuance of a Writ in the nature of

Mandamus, directing the respondent authorities to make

payment of compensation amounting to Rupees five

Lakhs to the petitioner, as the petitioner's husband,



namely Jagarnath Mahto, tragically lost his life in a rail accident that occurred due to the negligence of the concerned Railway authorities.

2. The brief facts culled out of petition are that on 16.05.2010, the petitioner, her husband Jagarnath Mahto, and their children were traveling from New Delhi to Muzaffarpur by Saptkranti Express (Train No. 2558 Down). They had purchased general class tickets (No. 88983261 & 88983262) and waited at Platform No. 13. When the train's platform was unexpectedly changed to Platform No. 12 and in the rush of the crowd, Jagarnath Mahto was pushed for which he fell down and suffered serious injuries. It is averred in the Writ petition that despite this, the family managed to board the train, which departed at its scheduled time. During the journey, the condition of Jagarnath Mahto deteriorated, became unconscious, eventually succumbed to injuries. The train reached Muzaffarpur Railway Station on 17.05.2010, where the petitioner disembarked with her husband's dead body. It



is further stated that alongside her husband, one Md. Safi Alam also died due to similar injuries caused by the crowd, at New Delhi Railway Station. The G.R.P. Police at Muzaffarpur prepared the inquest report and recorded the petitioner's statement on 17.05.2010. The G.R.P. Police forwarded the fardbeyan of the petitioner to New Delhi G.R.P. for further investigation. It is submitted that the postmortem report confirmed that Jagarnath Mahto died due to grievous injuries and suffocation. It is the claim of the petitioner that despite the fardbeyan being forwarded, the New Delhi G.R.P. did not institute an FIR. It is further averred in the Writ petition that the Railway Authorities paid an ex-gratia amount of Rs. 15,000 at Muzaffarpur Railway Station, and later, the petitioner was awarded Rs. 1,85,000 in compensation for the death of her husband under the Railways' ex-gratia scheme. It is submitted in the Writ petition that the petitioner is entitled to the compensation amount of Rs. 5 Lakhs, as per railway circulars and notifications. However, the Railway authorities advised her to



approach the Railway Claims Tribunal. Thereafter, the petitioner approached the Railway Claims Tribunal, but the Railway Claims Tribunal refused to accept the claim due to non submission of an FIR along with the claim petition. The petitioner repeatedly requested the G.R.P. Police to file an FIR, but they refused. Therefore, the petitioner is seeking the intervention of the High Court for the payment of compensation, claiming negligence by the railway authorities and failure by G.R.P. Police, to file an FIR despite multiple requests

3. A counter-affidavit has been filed on behalf of respondent No. 7 (Superintendent of Police, Muzaffarpur). It is specifically contended that the incident occurred at New Delhi Railway Station, Platform No. 13, on 16.05.2010, which falls under the jurisdiction of the Superintendent of Railway Police, New Delhi. It is also submitted that the original copy of the fardebeyan of the petitioner, dated 17.05.2010, along with the Inquest Report, Postmortem Report, and the preserved viscera of the deceased Jagganath Mahto



were forwarded to the Station House Officer of the Government Railway Police, New Delhi, through a special messenger for further action on 11.06.2010, therefore, it is the responsibility of the Superintendent of Railway Police, New Delhi, to lodge the FIR. Therefore, prayed to dismiss the writ petition is devoid of merit.

4. A counter affidavit has also been filed filed on behalf of respondent Railways. The counter affidavit disclose that an enquiry into the alleged incident was initiated by the Railway Administration. The inquiry report (Annexure R-1) concluded that the incident occurred due to change in the nominated platform. There was no significant crowd movement beyond what is typically expected on an island platform with two rakes positioned on both sides. The incident took place when a lady passenger stumbled due to falling luggage between the last landing of Foot Over Bridge No. 2 and the end of the station. The crowd behind her did not stop and continued moving, causing



the lady to be trampled underfoot. Several other passengers also fell and sustained injuries. This was a localized incident that occurred in a specific area of the platform and did not affect the general movement of passengers. The incident took place after both rakes had been positioned on the two faces of the island platform. Railway staff were responsible for the incident, as it was beyond their control. It is further submitted that, according to the Railway Board letter No. 2008/TC-III/26/7/NHRC/NDLS dated 21.7.2010 in response to the National Human Rights Commission, the Railways are liable to pay compensation for death or injury to passengers in train accidents or untoward incidents as defined under Section 124/124-A of the Railways Act. However, the incident that occurred at New Delhi Railway Station on 16.5.2010 does not fall under the scope of either Section 124 or Section 124-A of the Railways Act. Nevertheless, as a humanitarian gesture, the Hon'ble Minister for Railways announced ex-gratia relief of Rs. 2 lakhs to the next of kin of the deceased



and Rs. 15,000/- to each of those who sustained simple injuries. Therefore, the Railway Administration is not liable to pay further compensation. Therefore, prayed to dismiss the Writ petition.

5. Heard the Learned counsel for the parties and perused the records.

6. From perusal of the entire record and after hearing the submissions of the parties, it appears that the appropriate forum for the compensation in question is Railway Claim Tribunal.

7. In this context, it is submitted by the Learned counsel for the petitioner that the petitioner has already approached the Railway Claims Tribunal seeking compensation, and in support of this, she has annexed the claim petition as Annexure-8.

8. Upon perusal of the claim petition (Annexure-8), it is evident that the document does not bear any stamp or case number, which would indicate its filing before the Railway Claims Tribunal.

9. In view of the foregoing facts and



circumstances, the present Writ petition is disposed of with a liberty to the petitioner to seek the necessary relief by approaching the appropriate forum. In the event that such a petition is filed, it is expected that the same will be adjudicated on its merits by the concerned forum, within three months.

10. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2025
Transmission Date	

