

IN THE HIGH COURT OF JHARKHAND AT RANCHI**M. A. No.83 of 2024**

1.Rajendra Mirdha, S/o Late Baldev Mirdha

2.Renu Devi, W/o Rajendra Mirdha

3.Yashoda Kumar (elder), D/o Late Mukesh Mirdha

4.Yashoda Kumari (Younger), D/o Late Mukesh Mirdha

Appellant Nos.3 and 4 being minor are represented through their natural guardian i.e. Appellant No.2

All are residents of Village/ Mohalla- Pandeykesho, PO- Nawadih, PS- Saraiyahat, District- Dumka.

.... .. Appellant(s)

Versus

1. Union of India represented through the General Manager, South Eastern Railway, Kolkata, PO & PS- Garden Reach, District- Kolkata.

2. Sunita Devi, ex-wife of Late Mukesh Mirdha and W/o Prasadi Mirdha, R/o Village Chulhiya, PS- Mohanpur, Distt :- Deoghar.

. Respondent(s)

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CORAM :HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

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For the Appellant (s) : Mr. Vijay Shanker Jha, Advocate

Mr. A. Arya, Advocate

For the Resp.-Rlws. : Mr. Shiv Kumar Sharma, Sr.P.C.

Mr. Ravi Prakash, CGC

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08/ 22.08.2025. Heard, learned counsel for the parties.

1. The appellants preferred the instant Misc. Appeal against the impugned judgment/ order dated 19.12.2023 passed by Member (Technical), Railway Claim Tribunal, Ranchi, in Case No.OA (IIU)/ RNC/31/2023 whereby and whereunder the learned Tribunal has dismissed the claim application of the applicants/ appellants.
2. It is submitted by learned counsel for the appellants that it is not a case of suicidal death rather it is an accidental death as the same will be apparent from the inquest report wherein it has been stated that death had occurred due to fall from the running train.
3. It is further submitted that two tickets were also with the deceased and the father of the deceased has also deposed that he had gone along with the deceased-son on the train and after that, the alleged accident had taken place. It has been explained by the claimant i.e. AW.1 that they had started

for Ranchi, but on the way at Jasidih, his son had left his company. In this view of the matter, finding of the learned Tribunal that death was suicidal in nature was wrong.

4. Learned counsel for the Respondent-Railways while opposing the prayer submits that there is no infirmity in the impugned order which will be evident from the very fact that as per the testimony of AW.1, he commenced his journey with his son/deceased from Jasidih to Ranchi, whereas the place of occurrence is at Adra Railway Station which is on a different line. Therefore, the plea that deceased suffered accidental death during his journey is not sustainable.
5. Further, there is direct eye-witness of Loco Pilot that the deceased had flung himself before the running train in-front of engine. There was no time for him to stop the train.
6. From the testimony of RW.1, the case becomes suicidal in nature which falls under Section 124A of the Indian Railways Act, 1989 under the heading of self-inflicted injury for which the liability for paying compensation cannot be fixed upon the Respondent-Railways.
7. Having considered the submissions advanced on behalf of both the sides and perusing the materials on record, it is evident that there is direct eyewitness which remains undemolished in the cross-examination that death was suicidal in nature. There is no contrary or any eyewitness to the incidence.
8. In this view of the matter, there is no infirmity in the impugned judgment /order.

The instant Misc. Appeal stands dismissed.

Let the LCR be remitted to the concerned Tribunal at once.

(Gautam Kumar Choudhary, J.)

Sandeep/-