IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No.79 of 2024
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1. Bahamuni Hansda, wife of Late Badaka Soren
2. Maha Soren, father of Late Badaka Soren
3. Neha Murmu, mother of Late Badaka Soren
   All are residents of Village Itapokhar, P.O. Ariunpur, P.S. Ranga, District Sahebganj .... …. Appellants

Versus

Union of India represented through the General Manager, Eastern Railway, P.O. and P.S. Koilaghat, District Kolkata
.... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Vijay Shankar Jha, Advocate
For the Respondent : Mr. Shiv Kumar Sharma, Sr. C.G.C.
Mr. Ravi Prakash, C.G.C.

Order No.05 / Dated : 14.10.2025

Instant appeal is preferred under Section 23(1) of the Railways Claims Act against the judgment/order dated 18.01.2024 passed by the Railway Claims Tribunal, Ranchi, whereby and whereunder the claim application has been dismissed.

2. As per the claim application, on 11.12.2018 at 4:00 a.m., the deceased left his house for Taljhari, where he was working as a labour. Brother-in-law of the deceased, received information that a person was lying in badly injured condition at Railway Platform No.1 at Tinpahar Railway Station. The deceased was identified as Badaka Soren. After enquiry, railway police submitted final report that the deceased died due to fall from an unknown running train in U.D. Case No.37/18.

3. The claim application has been preferred by the wife of the deceased- Bahamuni Hansda (claimant no.1) and father and mother of the deceased, who are claimant nos.2 and 3.

4. Before the learned tribunal, attested copy of FIR, inquest report, dead body challan, seizure list, final form and other relevant documents were adduced into evidence. Two witnesses were examined on behalf of claimants.

5. Learned Tribunal dismissed the claim application on the ground that there was no direct eye witness to the accident as there was no recovery

of any journey ticket that he does not come within the meaning of passenger under Section 2(29) of the Railways Act. It was also held that the death was not in an untoward accident as per Section 123(c)(2) of the Railways Act, 1999, could also not been established.

6. As per the FIR, the death was due to railway accident when the deceased fell down from a running unknown train. Railway police on enquiry, also recorded a finding that the death was due to fall from an unknown train. On these materials, the learned tribunal fell in error to record a finding that the death was not accidental in nature. It has come in oral evidence that the deceased was working as a daily wage Mazdoor and died due to fall from a train, therefore, it was quite natural that the ticket could not be detected. In any case, production of ticket is not an essential requirement for claim made under Railways Act as held by the Apex Court in ***Union of India Vs. Rina Devi,*** **(2019) 3 SCC 572**.

7. Under the circumstance, in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, Rs.8,00,000/- (Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident which will be paid by the respondent-Railway within a month of the order. Out of total compensation amount, 50% will be paid to the claimant no.1 (wife) and 50% will be equally divided between claimant nos.2 and 3, who are parents of the deceased. The impugned order is set aside.

Misc. Appeal is allowed. Interlocutory Application, if any, is disposed of.

(Gautam Kumar Choudhary, J.)

Anit