

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 334 of 2017

1. Manju Devi, widow of Shakti Das @ Shakit Das
 2. Annu Priya, minor daughter of Shakti Das @ Shakit Das
 3. Archana Kumari, minor daughter of Shakti Das @ Shakit Das
 4. Avishek Kumar, minor son of Shakti Das @ Shakit Das
- S.I. Nos. 2 to 4 represented their natural guradian/ mother ie., appellant no. 1 Manju Devi
 All are residents of H. No. 7, Upardih Barguniya, Village Upardih Bargunia, P.O. & P.S. Deoghar, District Deoghar

.... Appellants

Versus

Union of India through the General Manager, Eastern Railway, 17, Netaji Subhash Road, Kolkata, P.O. & P.S. Netaji Subhash Road, Kolkata, West Bengal
 Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants	:Mr. Manish Kumar, Advocate
For the Respondent	: Mr. Leena Mukherjee, CGC
	Mr. Gautam Rakesh, Advocate

Order No. 10 / Dated : 27.11.2025.

The claimants are in appeal against the judgment passed by the Railway Claims Tribunal, Ranchi in Claim Case No. OA (IIU)/ RNC/ 109/ 2016, whereby and whereunder, claim application has been dismissed filed under Section 123 (C) (2) read with Sections 124 (A) and 125 of the Railway Act, 1989.

2. As per the case of the claimants, claimant no. 1 is the widow, claimant nos. 2, 3 and 4 are the minor children of the deceased who died in an untoward railway accident. On 15.07.2016 Shakti Das @ Shakit Das was travelling to Jasidih to Andal by train with valid second-class railway ticket and accidentally fell down from the train as it was overcrowded at Madhupur junction at KM Post No. 297/22-24. The deceased was 32 years old and left behind his widow and three minor children. During inquiry the only claimant was examined in which she deposed that her husband was serving in railway department and had received the compensation from the railway department for a sum of Rs. 3,00,000/-

3. The following documents were produced on behalf of the railways: -
- I. The copy of inquest report of the deceased Ext.- A8.
 - II. The copy of fardbeyan of Manju Devi Ext.- A7.
 - III. The copy of report by Station Manager, Madhupur Ext.- A6.

IV. The copy of UD case registered Ext.- A5 and the other relevant details of the claimants showing relation with the deceased.

4. Learned Tribunal dismissed the claim application on the ground that the details of the train were not disclosed by the widow of Manju Devi and part of the dead body could not be found and ticket was also not produced.

5. It is argued by the learned counsel on behalf of the appellant that the documents which have been adduced into evidence on behalf of the railways, itself goes to show that the deceased Shakti Das @ Shakit Das had died in an untoward accident involving railways. It is submitted by the learned counsel that inquest report Ext.-A8 states that the name of the deceased to be Shakti Das @ Shakit Das and this is a document adduced into evidence on behalf of the railways and therefore, it cannot be said that the dead body recovered was not of Shakti Das @ Shakit Das.

6. With regard to the non-availability of the railway ticket, it is argued on behalf of the appellants that a claim case cannot be shown overboard only on this ground that the ticket could not be recovered from the dead body. Reliance in this regard is placed on **2018 SCC 471 Union of India Vs. Rina Devi**.

7. Learned counsel for the Railways has vehemently opposed the appeal and defended the impugned judgment.

8. It is argued that the ratio laid down in Rina Devi case (supra) will not apply in the instant case as in the said authority, the untoward incidence has been confined to boarding or deboarding a train. However, in the present case, the accident took place about 25 km. away from Madhupur Railway Station. It is further argued that learned Tribunal did not accept the Aadhar Card for the reason that the same appeared to be made after the date of accident.

9. Having considered the submissions advanced on behalf of both sides and on perusal of the judgment passed by the Tribunal, it is quite surprising that not a chit of paper which has been adduced into evidence on behalf of the Railways and marked as exhibits, discussed in the impugned order. The cases filed under Railways Act for accidental claim of compensation, do not proceed like the adversarial litigation as that of a civil suit and the provision for compensation being beneficial in nature. Tribunal has to be only satisfied whether the deceased died in an untoward incident involving the Railways and was a bona-fide passenger of the train when the said accident took place.

10. Here in the present case, this Court is dealing with a claim preferred for the death of a labourer, by a lady who is illiterate and has put her RTI on the fardbeyan. The documents, which have been brought on record like Inquest Report, Fardbeyan, Unnatural Death Report etc. consistently state that the death was due to fall from the train. Although Claimant No. 1 has not given the details of the train but that is very understandable in the present facts and circumstances of the case where her deceased husband had left the home two days before filing of the fardbeyan, and she cannot be credited with knowledge about the train details by which he had proceeded from Jasidih to Andal. The inquest report notes that Shakti Das died due to fall from the train resulting in his death. The fardbeyan was recorded on 15.07.2016 by Claimant No. 1 in which she categorically states that her husband had left home two days before and after that he met with accidental death due to fall from a train. UD Case No. 37 of 2016 dated 15.07.2016 is also to the same effect. These are not the private documents of the claimants but were produced on behalf of the Railways. The Tribunal without considering these documents and also the postmortem report (Ext. A/10) has returned a finding that the accidental death was under a cloud. The finding is perverse and not supported by evidence.

11. Law is settled that even if the railway ticket is not produced, it will not lead necessarily to the conclusion that the death was not accidental.

12. It is difficult to agree with the interpretation of the judgment as given by the counsel on behalf of the Petitioners that ratio of **Rina Devi case (supra)** would apply only where the accident takes place while boarding or deboarding a train, and not in cases where the death takes place while the passenger is on journey between two stations.

13. Learned Tribunal without considering any evidence and discussing the materials on record has dismissed the claim application.

14. Under the circumstance, the impugned order is not sustainable and, accordingly, is set aside.

15. Since the accident took place on 15.07.2016, therefore, in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, Rs.4,00,000/- (Rupees Four 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.

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

(Gautam Kumar Choudhary, J.)

Pawan/ -
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03.12.2025