

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 33 of 2022

1. Sri Anil Ram, (son of deceased Janki Devi), S/o- Karam Chandra Ram Rawani,
2. Smt Lila Devi, (daughter of deceased Janki Devi) W/o- Tuntun Prasad,
3. Ailash Devi, (daughter of deceased Janki Devi) W/o-Shambhu Rawani,
4. Bebi Rawani @ Baby Rewani, (daughter of deceased Janki Devi) W/o- Ramprasad Rawani,
5. Malti Devi, (daughter of deceased Janki Devi) W/o-Krishn Kumar,
6. Kiran Devi, (daughter of deceased Janki Devi) W/o-Devanandan Ram,
7. Karam Chandra Ram Rawani, (husband of deceased Janki Devi) S/o-Late Chhatu Ram, All are Resident of Village/Mohalla- Chataniya, Bagi, Saram Purvi, P.O.-Saram, P.S. Gomia, Dist.-Bokaro (Jharkhand).
All are Resident of Village/Mohalla- Chataniya, Bagi, Saram Purvi, P.O.-Saram, P.S. Gomia, Dist.-Bokaro (Jharkhand).

.... Appellants

Versus

The Union of India through the General Manager East Central Railway, Hajipur, Bihar, having its office at Hajipur, P.O. + P.S. Hajipur, District- Vaishali (Bihar) 844101

... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants	:Mr. Sumit Gautam, Advocate
	Mr. Rajesh Kumar Jha, Advocate
For the Respondent	: Mr. Pawan Kr. Pathak, CGC

Order No. 07 / Dated : 12.12.2025.

On perusal of I.A. No. 5830 of 2025, it appears that appellant nos. 3, 4 and 7 have died, no substitution petition has been filed on behalf of Appellant nos. 3 and 4. The heirs and dependents of appellant no.7 are already in record. Under the circumstance appeal of Appellant nos. 3, 4 and 7 stands abated.

2. The claimants are in appeal under Section 23(1) of the Railway Claims Tribunal Act, 1987 against the judgment and order passed by Railway Claims Tribunal, Ranchi in Case No. OA (IIU)/RNC/50/2019 dated 05.03.2020, whereby and whereunder, the claim application for compensation on account of death of Janki Devi has been dismissed.

3. As per the case of the claimants, on 02.02.2018 the deceased Janki Devi with a second-class journey ticket was travelling by Barwadih-Gomoh passenger Train No.53348 from Gomia to Amlo. The accident took place while getting down from the train at Amlo station. It is pleaded that accident resulted due to overcrowding in the train. She was taken to regional hospital in Dhori. On 03.02.2018 for better treatment admitted in RIMS where she breath her last on 09.02.2018.

4. The G.R.P.S/Gomia lodged U.D. Case No. 07/2018 on 09.02.2018 and after inquiry, final report was submitted stating that the deceased died due to an accidental fall from the train.
5. From the side of the claimants, one witness A.W.1 has been examined and documents were adduced into evidence and marked as Exhibits.
7. Learned Tribunal dismissed the claim application, *inter alia*, on the ground that claimants had failed to established that the deceased was a bona-fide passenger and her death was due to any accidental fall from the train.
8. It is argued by learned counsel for the appellant that in the final report submitted under Section 174 of Cr.P.C. after holding enquiry in U.D. Case No. 07/2018, it is written in column 3 of the final report that deceased died due to accidental fall from the train. It is further argued that it is not a private document but a report submitted by the GRP Rail and learned Tribunal has not discussed it while dismissing the claim application. In view of the ratio as laid down by the Hon'ble Apex Court in **(2019) 3 SCC 572 (Union of India Vs. Rina Devi)** that production of railway ticket is not sine quo non to prove that deceased was not a bona-fide passenger.
7. Learned counsel for the Railways has defended the impugned judgment and order and submitted that it is not a case of untoward incident but a case of "Run Over".
8. Having considered the submissions advanced on behalf of both sides, there is no direct witness to the accident, and the only witness examined is A.W.1 is the claimant no.1. He has deposed that deceased Janki Devi gave Rs. 100/- to Pintu Ram to purchase the railway ticket and after purchasing it, he handed it over to the deceased who proceeded on her onward journey. He has further stated in his examination-in-chief on affidavit that ticket was of 2nd class from Gomia to Amlo. Deposition of this witness meets the requirement as set out in the ratio in Rina Devi (Supra) that applicant, in the event of absence of railway ticket, need to file an affidavit deposing that such a ticket had been purchased.
9. The deceased died in a Railway accident is amply proved by the final report submitted under Section 174 Cr.P.C., after inquiry in the U.D. Case, wherein it has been stated that the deceased fell down from the running train. Further, inquest report also notes that the deceased died due to fall from train. It has been held by the Apex Court in ***Rajni and Another vs. Union of India and Anr.*, 2025 SCC OnLine 2182** that proceedings under Railways Act are not criminal trials demanding proof beyond reasonable doubt, but welfare statues governed by the preponderance of probabilities once the issuance of valid ticket and accidental fall

is established the presumption of bona-fide travel operates in favour of claimant. Where an official railway inquiry or evidentiary record verifies the issuance of a ticket corresponding to the date and route of untoward incident, such verification shall be a proof of bona-fide travel, shifting burden on the railway administration.

These documentary evidences leave no doubt whatsoever, that the death was in an untoward incidence during the railway journey, therefore the appellants are entitled to compensation under section 124-A of the Railways Act.

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

Since the accident took place on 02.02.2018, therefore, 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/appellant with interest @ 7.5% from the date of accident which will be paid by the respondent-Railway within a month of the order.

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

(Gautam Kumar Choudhary, J.)

Pawan/ -
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