

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 52 of 2021

- 1. Jabina Khatun wife of deceased Juman Ray
- 2. Miss Gulbashu Khatun daughter of deceased Juman Ray
- 3. Miss Muskan Khatoon minor daughter of deceased Juman Ray represented through mother Jabina Khatun (Appellant no. 1).
- 4. Amina Khatun aged about 71 years Mother of the deceased Juman Ray Wife of Late Jafar Ali Ray All the resident of vill: Dijal Said Sakul, Barwa Toli, P.O + P.S - Patratu, District-Ramgarh Appellants

Versus

Union of India through its General manager, East Central Railway, Hajipur P.O+ P.S & District-Hajipur (Bihar). Respondent/Respondent.
... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants :Mr. D.K. Malityar, Advocate
For the Respondent : Mrs. Bakshi Vibha, Advocate

Order No. 07 / Dated : 06.12.2025.

Claimants are in appeal against the judgment passed in case no. OA-IIIU/ RNC/ 16/ 2019 under Section 124 A of the Railways Act, 1989, whereby and whereunder, the claim application has been rejected by the learned Tribunal.

2. As per the case of the claimants, on 08.07.2018 deceased Juman Ray after purchasing valid train ticket no. URB-88204867 proceeded from Ranchi Road Railway Station to Patratu by Gomo Choupan Passenger Train. Due to heavy rush, he was standing near the gate inside the bogie and accidentally he fell down from the running train between pole no. 1017 to 1026 resulting in fatal injuries of which he died.

3. Altogether two witnesses were examined on behalf of the claimants and relevant documents like the enquiry report, investigation report of untoward incident, inquest report, fardbeyan and post-mortem report etc. were filed on behalf of the Railways.

4. Learned Tribunal dismissed the claim application on the ground that the deceased was travelling in the train near the door of the coach compartment which was an unsafe place and attributed the accidental fall due to his own negligence. The ticket that was produced into evidence on behalf of the claimants was also suspected to have been procured post facto.

5. It is submitted by the learned counsel on behalf of the appellants that the dismissal has been made on mere conjecture and surmises by the Presiding

Officer of the Tribunal. The evidence on record has not been discussed and even the travelling ticket of the deceased was suspected without any basis to have been illegally procured.

6. Learned counsel on behalf of the East Central Railway has defended the impugned order. It is submitted that accidental fall of the deceased was due to his own negligence as he was travelling in an unsafe place near the door which is not made for the passengers.

7. Having considered the submissions advanced on behalf of both sides, the main point for determination before this Court is whether the deceased was a bona fide passenger in the train and died in an untoward incidence, while travelling on the train.

8. In order to entitle the claimants to compensation under Section 124 A of the Railways Act, 1989, two fundamental requirement needs to be satisfied.

First, that deceased died in an untoward incident in the course of working of a railway whether or not there had been any wrongful act, neglect or default on the part of the railway administration.

Secondly, the deceased was a bona fide passenger.

Section 124 A further provides that the railways will not be liable to pay compensation in the following events: -

- a. Suicide or attempted suicide by him;
- b. Self-inflicted injury;
- c. His own criminal act;
- d. Any act committed by him in the state of intoxication or insanity;
- e. Any natural cause or disease or medical surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

9. Here in the present case the weight of evidence, both oral and documentary establish that the deceased died from an accidental fall while travelling in a train. The railway ticket has also been produced to show that he was a bona fide passenger. This part of the claimant's case has been established by the final report 16/18 of rail Barkakana which states that the UD case was registered on the basis of a fardbeyan and possible cause of accidental death was fall from Gomo Choupan Passenger Train. The inquest report dated 08.07.2018 also suggests that the same conclusion. The learned Tribunal has also not expressed any doubt regarding the death of the Juman Ray in the railway

accident.

10. The ground of dismissal of the claim application taken by the Tribunal that the accidental death due to the fault on the part of the deceased himself, is not sustainable. It has been held in **Jameela Vs. Union of India {(2010) 12 SCC 443}** the negligence is not a ground to deny compensation under Section 124-A of the Railways Act. Falling from the train to death due to one's own negligence does not fall within any of the exception, enumerated under Section 124A proviso to deny compensation.

11. Further, the finding of the learned Tribunal that deceased was not a bona fide passenger, despite the railway ticket being produced, in the absence of any contrary evidence is perverse.

12. Claimants being the dependents are entitled to compensation in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, a sum of Rs.8,00,000/- (Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident till the date of payment which will be paid by the respondent-Railways within a month of the order. Accident took place on 08.07.2018, therefore, notification dated 22nd December, 2016 will be applicable.

The impugned order is set aside. Miscellaneous Appeal is, accordingly, allowed.

Pending I.A., if any, also stands disposed of.

(Gautam Kumar Choudhary, J.)

Pawan/
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