

1. Sunita Devi, W/o Late Sunil Ram @ Sunil Rewani
 2. Khushbu Kumari, D/o Late Sunil Ram @ Sunil Rewani
 3. Guriya Kumari, D/o Late Sunil Ram @ Sunil Rewani
 4. Santu Kumar, S/o Late Sunil Ram @ Sunil Rewani
 5. Mantu Kumar, S/o Late Sunil Ram @ Sunil Rewani
 6. Pammi Kumari, minor daughter of Late Sunil Ram @ Sunil Rewani
 7. Pari Kumari, minor daughter of Late Sunil Ram @ Sunil Rewani,
- Appellant Nos. 6 & 7 being minors are being represented by their natural guardian appellant No.1,
- All R/o Village/Mohalla-Duhatand, P.O. & P.S.-Dhansar, Dist.-Dhanbad,
Jharkhand
- Appellants

Versus

Union of India through the General Manager, East Central Railway,
Hajipur, P.O., P.S. & Dist.-Hajipur, Bihar Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mrs. Chaitali C. Sinha, Advocate
Ms. Chainika, Advocate
For Respondent-UI : Mr. Sunil Kumar, C.G.C.

Oral Order

07 / Dated : 12.12.2025

1. 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/81/2016, whereby and whereunder, the claim application for compensation on account of death of Sunil Ram @ Sunil Rawani has been dismissed.
2. As per the case of the appellants, on 22.03.2016 the deceased- Sunil Ram @ Sunil Rawani, after purchasing ticket from Dhanbad Junction to Asansol boarded in Train No. 12312 Kalka-Delhi-Howrah Mail at Dhanbad Junction for proceeding to Asansol. During the course of journey, due to overcrowding the deceased tried to alight from the train at Platform No. 1 at Dhanbad Railway Junction, and suffered accidental fall resulting in fatal injuries of which he died on 22.03.2016 in PMCH, Dhanbad.
3. The G.R.P. lodged U.D. Case No. 18/2016 on 22.05.2016 and after enquiry, final report was submitted stating that the deceased died due to an accidental fall from the train.
4. The claimant No. 1 has examined herself and the following documents

were adduced into evidence:

Certified copy of Memo dated 22.03.2016,
 Certified copy of Fardbeyan of Shivram recorded on the same day,
 Certified copy of Inquest Report,
 Certified copy of Postmortem Report.

5. Learned Tribunal dismissed the claim application, *inter alia*, on the ground that the name of the passenger and his whereabouts had not been disclosed and consequently it was held that the deceased was not a *bonafide* passenger who had died due to accidental fall from the running train.

6. It is argued by learned counsel for the appellants that in the final report submitted under Section 174 of Cr.P.C. after holding enquiry in U.D. Case No. 18/2016, the name of the deceased has been stated to be Sunil Ram, Son of Late Karu Ram, Village Dulahtanr, PS Dhansar, District Dhanbad. The report further states that on 22.03.2016 at 6:30 he had left home for Asansol and was waiting for train at Platform No. 1 at Dhanbad Railway Junction and the accidental fall took place when he was trying to get into Train No. 12312 Kalka Express. 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.

7. Learned counsel for the Railways has defended the impugned order and submitted that there are material inconsistencies and discrepancies which raise doubt on the identity of the deceased. It is submitted that the claim has been preferred on behalf of Sunil Rawani whereas in the fardbeyan recorded by the Shivram, the name has been said to be Sunil Ram.

8. It is further argued that in the event of missing of railway ticket, the mandate of law of the ratio as laid down by the Hon'ble Apex Court in **(2019) 3 SCC 572 (Union of India Vs. Rina Devi)** is that the claimants should submit an affidavit that the ticket was purchased but it was missing. In the present case no such affidavit was filed.

9. Having considered the submissions advanced on behalf of both sides, it is evident that claimant No. 1 has consistently stated on oath in her deposition that the deceased had a valid ticket at the time of incident. It is also not in dispute that death took place on platform no.1 at Dhanbad Railway Station. Mere absence of railway ticket from the physical possession of the deceased cannot be a ground to hold that he was not a *bona fide* passenger.

10. 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 Dhanbad Junction Railway Station. The inquest report that was prepared also states the cause of death was by accidental fall from the train. 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. 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 statutes 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..

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

12. Since the accident took place on 22.03.2016, 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/appellants 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.)

AKT/Satendra
Uploaded
13.12.2025