

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No.211 of 2020

1. Dharmadeo Ray (father of deceased), S/o Late Vishwanath Ray
 2. Urmila Devi (mother of deceased), W/o Dharmadeo Ray
- Both are Resident of: Lakarha Qr. No. -4, P.O- Kastragarh, P.S- Katras,
 Dist- Dhanbad (Jharkhand) and permanent resident of Village – Takiya,
 P.O. & P.S.- Daudpur, Dist- Chhapra(Bihar)

... Appellants

Versus

Union of India through the General Manager, Eastern Railway, Kolkata,
 P.O & P.S- Koilaghat, Dist. - Kolkata

.... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Manish Kumar, Advocate
 For the Respondent : Mr. Shiv Kumar Sharma, CGC

Order No. 08 / Dated : 04.12.2025

Appellants are in appeal against the order dated 05.02.2020 passed by Railway Claims Tribunal Ranchi in IIUOA(IIU)/194/2018 by which the claim application for compensation on account of death of the applicant's son namely- Mukesh Kumar Ray @ Mukesh Kumar Ram in railway accident, has been dismissed.

2. As per the case of the appellants, the deceased- Mukesh Kumar Ray was a student and on 06.10.2016, proceeded for journey from Chhapra Junction to Asansol Junction by the train Kolkata Tata Chhapra Express train, Train no.18181 to attempt the competitive exam. He had purchased valid train ticket bearing No. 7564 dated 06.10.2016 from Chhapra Railway station. There was overcrowding of passenger in the aforesaid train. When the train departed from Chhitranjan Railway Station and was to reach Rupnarayanpur Railway station, due to heavy rush and overcrowding he fell from the train and was badly injured. Later the deceased was taken to Chhitranjan Hospital and where first aid was provided and for further treatment, he was referred to RIMS Hospital Ranchi. The deceased arrived RIMS Hospital around 6.53 pm and on 09.10.2016 around 3.15 am the deceased took last breath.

3. Altogether two witnesses have been examined and relevant documents including the Journey ticket, Fardebayan of Kamaldeo Ray, Dead body Challan, Inquest report, P.M. report, Family Membership certificate, Death certificate, Aadhar Card of the appellants, Bank particular of combined both appellants were adduced into evidence and marked as exhibit.

4. Learned Tribunal rejected the claim application mainly on the ground that no ticket was recovered from the possession of the deceased and it was not a case of accidental fall from the train rather the deceased fell due to his own negligence and does not come within the ambit of section 124A of the Railways Act, 1989.

5. It is argued by learned counsel for the appellants that in order to entitle the claimants for compensation, the only requirement is that the deceased died in an 'untoward incident' involving a train and that he was a *bonafide* passenger at the time of accident. Learned Tribunal has not discussed the evidence, which was brought on record either oral or documentary and the claim has been dismissed.

6. Having considered the submissions advanced on behalf of both sides, I find that overwhelming evidence suggests that the deceased died due to fall from the running train. Even the railway ticket in this case has been produced on behalf of the claimants, and the learned Tribunal has noted that the deceased had died in the railway accident, still the claim has been denied without assigning any cogent reason for the same. The appellants have brought railways ticket marked as exhibit A1 without objection. Hence, it is proved that deceased was a bona-fide passenger.

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

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

9. Since the accident took place on 09.10.2016, 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.)