

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No.244 of 2024

1. Ashok Jha, F/o deceased Gulshan Kumar Jha,
 2. Rambha Devi, M/o deceased Gulshan Kumar Jha,
 Both are Resident of Village- Kisanpur tabhka, P.O-Pandit Tola Tabhaka,
 P.S- Bibhutipur, Dist- Samastipur (Bihar)

... Appellants

Versus

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

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Manish Kumar, Advocate

For the Respondent-UIOI : Mr. Shiv Kr. Sharma, CGC

Order No. 07 / Dated : 05.12.2025

Appellants are in appeal against the order dated 08.04.2024 passed by Railway Claims Tribunal Ranchi Bench, Ranchi in OA(IIU)/RNC/43/2023 by which the claim application for compensation on account of death of the applicant's son Gulsan Kumar Jha in railway accident, has been dismissed.

2. As per the case of the appellants, the deceased- Gulsan Kumar Jha, was travelling on 24.10.2022 in the general bogie from Durgapur to Dalsingh Sarai Railway Station by Raxual-Howrah, Mithila Express Train No. 13021 with a 2nd class M/Exp. Journey ticket. That the deceased went to Kolkata for some work on the same day and after that he come back to Durgapur from Kolkata by bus on 24.10.2022. The deceased purchased a valid journey ticket on 24.10.2022 from Durgapur to Dalsingh Sarai. There was heavy rush in all the general bogies of the train. The train left Durgapur and was approaching Jasidih Railway Station, when the accident took place. The deceased suddenly fell down accidentally between Pole No. 333-331 near Kishunpur Jungle Jasidih railway station due on being pushed by the passengers. The mother of the deceased was informed and later the deceased was admitted to Sadar Hospital, Deoghar. The deceased died on 26.10.2022 during treatment.

3. One witness been examined and relevant documents including the Death certificate, Journey ticket, Fardebayan of Rambha Devi, Dead body Challan, Inquest report, PM report, FIR, Final Report, Family Membership certificate, Aadhar Card of the appellants and 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 the applicants had failed to prove their initial burden that the deceased was a bonafide passenger when the incident occurred, and that he died due to an untoward incident as defined under Section 123 (c)(2) 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. Any accidental fall from a running train will come within the meaning of an ‘untoward incident’ as per Section 123 (c)(2) of the Railways Act, 1989. Claimants shall be entitled to compensation under Section 124-A when death or injury is caused to a *boanfide* passenger in the train. Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to—

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

Explanation.—For the purposes of this section, “passenger” includes—

- (i) a railway servant on duty; and
- (ii) a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.

7. Falling down of a bona fide passenger (i.e. a passenger travelling with a valid ticket or pass) from the train while trying to board it covered under this provision. The contention that the passenger was not actually inside the train while falling down is inconsequential. It has been held in *Jameela Vs. Union of India*, (2010) 12 SCC 443 that negligence is not a ground to deny compensation under Section 124-A. Falling from train to death due to one's own negligence does not come within any of the exception

enumerated in Section 124-A proviso to deny compensation. In absence of malicious intent or *mens rea*, such negligence can neither be held as criminal act under Section 124-A proviso(c).

8. In the present case, the deceased was travelling on a valid railway ticket (Ext-A2), and due to overcrowding in the train, he was pushed and consequently fell down from the running train, resulting in grievous injuries. Evidences on record like inquest report, FIR, final report all establishes that deceased died in an untoward incident, due to fall from running train. Learned Tribunal without considering any of these evidences and discussing the materials on record has dismissed the claim application by suspecting the validity of the ticket.

9. Impugned order is not sustainable and, accordingly, is set aside.

10. Since the accident took place on 24.10.2022, 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.)

Satendra/
Uploaded
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