

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 241 of 2024

1. Kanti Devi wife of Late Mahendra Ram @ Munni Ram aged about 63 Years
2. Naveen Ram son of Late Mahendra Ram @ Munni Ram aged about 46 Years
3. Bipin @ Vipin Ram son of Late Mahendra Ram @ Munni Ram aged about 43 Years
4. Vinod Kumar son of Late Mahendra Ram @ Munni Ram aged about 38 Years

All appellants R/o-Village/Mohalla- Indpe,
P.O-Amari, P.S- Jamui, District Jamui (Bihar).

..... Appellants

Versus

Union of India through the General Manager,
Eastern Central Railway, Hajipur, P.O. and P.S.-
Vaishali and District-Hajipur (Bihar).

..... Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellants : Mrs. Chaitali C. Sinha, Advocate.
For Sole Resp. Railway : Mr. Abhijeet Kumr Singh, CGC.
: Mr. Shashank Kumar, A.C. to C.G.C.

04/ 30.04.2025 Heard Mrs. Chaitali C. Sinha, learned counsel appearing for the appellants and Mr. Abhijeet Kumar Singh, learned CGC appearing for the sole respondent-Railway.

2. This appeal has been preferred against the judgment dated 27.01.2020, passed in Case No. OA(IIU)/RNC/76/2018 [Checklist No. 2905180005], by the learned Railway Claims Tribunal, Circuit Bench, Ranchi, whereby, the claim application filed by the appellants herein has been rejected by the learned tribunal.

3. Mrs. Chaitali C. Sinha, learned counsel appearing for the appellants submits that the claim case was filed alleging therein that on 01.07.2017, the deceased Mahendra Ram @ Munni Ram after purchasing a valid second class ticket for Jamui Station to Jasidih Jn., for going to Baidyanathdham (Deoghar) via Jasidih, boarded in a

second class compartment of Amritsar Howrah express train at Jamui Station. The appellant No.2 namely Naveen Ram accompanied the deceased upto Jamui station and he purchased the said valid express ticket and handed over the same to the deceased. Due to heavy rush in the said compartment, the deceased stood near the gate inside the compartment of the train.

4. She submits that in the meantime the said train suddenly started and moved forward and when the said train was moving between Pole/K.M.No.392/22 & 391/24 east of Jamui Station, there was a sudden jerk, and due to intense jostling amongst the passengers near the gate inside the compartment and as well as jerk of the moving train and the deceased who was standing near the gate inside the compartment of the train accidentally fell down from the moving train after Home signal of Jamui station. As a result of which the deceased sustained serious injuries and died on the spot. She submits that for the said accident, Jamui Rail P.S. Case (UD Case) No. 31 of 2017 was registered on 01.07.2017 and the railway police investigated and prepared the inquest report in the said case and found the factum of the occurrence to be true and further found that the deceased died as a result of falling from the train bearing No. 13050. She further submits that the railway police has also prepared a final report dated 02.07.2017 and concluded that the deceased died as a result of falling from a train.

5. She also submits that the learned tribunal has rejected the claim of the appellants on the ground of jurisdiction, which is further not tenable in view of the fact that the accident took place in the year 2017 and the said claim case was filed in the year 2017 itself and in view of Rule-8 of the Railway Claims Tribunal (Procedure) Rules, 1989, the four places are said to be the jurisdictional places, where the case is being registered and these are (i) over the place from which the passenger obtains or purchases his pass or ticket, or (ii) where the

accident or untoward incident occurs or (iii) where the place of destination station lies or (iv) where the claimant normally resides. She submits that the claim case was registered at Ranchi, as the deceased was traveling from Jamui Station to Jasidih Station. She further submits that however, the said Act was amended in the year 2020, which has been effected with effect from 10.01.2020 and two places are said to be the territorial jurisdiction over the place where the accident or untoward incident occurs or where the claimant normally resides. She submits that in view of the above, the learned tribunal has wrongly relied on the amended provision, as the case was of the year 2017. She submits that the Railway Tribunal, Ranchi was having the jurisdiction in view of the fact that the accident was of the year 2017.

6. She further submits that the deceased was a *bona fide* passenger and travelling from Jamui Station to Jasidih Station, however, the ticket in the said accident was lost, however, the learned tribunal has held that the deceased was not the bona fide passenger in view of the loss of the said ticket. She also submits that the learned tribunal has not considered the evidence on record i.e. oral as well as documentary in correct prospective.

7. On the above grounds, she submits that this appeal may kindly be allowed.

8. Mr. Abhijeet Kumar Singh, learned CGC appearing for the sole respondent-Railway has opposed the prayer and submits that in the post-mortem report, only the head injury was found and it is not clear as to whether the accident took place from falling from the train or not. He submits that the ticket was not found from the body of the deceased. He further submits that the claim case was decided in the year 2020, in view of that the effected amendment has come into play and the learned tribunal has rightly held that the said tribunal is having no jurisdiction. He submits that merely finding the dead body near the railway track,

the case of the deceased is not coming within the meaning of untoward accident.

9. In view of the above submissions of the learned counsel appearing for the parties and in view of the post-mortem and in view of the affidavit in light of Rule-14 of the Railway Claims Tribunal (Procedure) Rules, 1989 and the UD Case and further in view of the final report, it is an admitted position that the accident took place due to falling from the train, however, in the said report, it has come that the ticket has not been received from the body of the deceased, thus, the accident due to falling from the train has been proved, in light of these documents. Further the witnesses, examined by the claimants herein, being A.Ws.-1, 2 and 3 have further supported the case and the person, who has purchased the ticket and handed over the said ticket to the deceased was deposed as A.W.-3, who has stated that he has purchased the ticket and handed over the same to the deceased, in view that the purchase of the ticket has also been proved and the learned tribunal only on the ground of not getting of the ticket from the person of the deceased as well on the territorial jurisdiction, has been pleased to reject the claim case.

10. It is the case of the appellants that due to jostling of the train, the deceased has fallen and the accident took place, in view of that it cannot be said to be that it was a case of suicide or it is not a self-inflicted injury, neither due to his own criminal act nor he was in a state of intoxication or insanity nor due to any natural cause or disease and, moreover, the Railway has also failed to prove that the death has occurred due to her own negligence in view of the documents, which has been discussed hereinabove. Thus, it can be safely said that her falling down from the train was accidental and the said accident not falling under the exception of section 124-A of the proviso and identical was the issue before the Hon'ble Supreme Court in the case of *Jameela*

*and Others Versus Union of India*ll, reported in (2010) 12 SCC 443, wherein it has been held in paragraph no.10 of the said judgment as under:-

“10. It is not denied by the Railways that M. Hafeez fell down from the train and died while travelling on it on a valid ticket. He was, therefore, clearly a “passenger” for the purpose of Section 124-A as clarified by the Explanation. It is now to be seen, that under Section 124-A the liability to pay compensation is regardless of any wrongful act, neglect or default on the part of the Railway Administration. But the proviso to the section says that the Railway Administration would have no liability to pay any compensation in case death of the passenger or injury to him was caused due to any of the reasons enumerated in clauses (a) to (e)”

11. So far as the jurisdiction is concerned, the court finds that the accident took place in the year 2017 and the case was also registered in the same year of 2017 and before the amendment, the provision was as under:-

"8. Place of filing application for compensation in accident or untoward incident claim. -- An application for compensation payable under Section 124 and 124-A of the Railways Act, 1989 may be filed before the Bench having territorial jurisdiction over the place from which the passenger obtains or purchases his pass or ticket or where the accident or untoward incident occurs or where the place of destination station lies or where the claimant normally resides."

12. In view of the above, four places are said to be the

territorial jurisdiction of filing the claim case, however, the same has been amended with effect from 10.01.2020 and it has been as under:-

“8. Place of filing application for compensation in accident or untoward incident claim. An application for compensation payable under Section 124 or 124-A of the Railways Act, 1989 (24 of 1989) may be filed before the Bench having territorial jurisdiction over the place where the accident or untoward incident occurs or where the claimant normally resides.”

13. As such, after the amendment, two places are said to be the territorial jurisdiction of the tribunal. Admittedly the accident was of the year 2017 and the case was also instituted in the same year, as such, the case of the appellants will be governed by the unamended Rule and that time, four places are said to be the territorial jurisdiction of the tribunal and further it is well settled that in the Statute, it has not been indicated that the said amendment will take effect retrospectively, as such, this court finds that the learned Railway Claims Tribunal, Ranchi was having the jurisdiction, as at the place of destination, it is need to be filed as the deceased was travelling from Jamui Station to Jasidih Station, in view of that the finding of the learned tribunal with regard to jurisdiction is not tenable.

14. If section 123 and 124-A of the Indian Railways Act are read conjointly for the purpose of interpretation is made taking into account the intention of the legislature to protect the passengers sustaining injuries in untoward incidents the term accidental fall from the train cannot be ruled out. Further the Railway Act is a beneficial piece of legislation and if the two interpretations are there, liberal meaning should be there in favour of the claimants. In view of that the learned tribunal has wrongly held that the deceased was not the bona fide passenger, merely on the ground of not getting the ticket from the

person of the deceased. In such an accident, the losing of ticket and belongings cannot be ruled out and purchasing of the ticket has been proved in light of the evidence of A.W.-3.

15. In view of the above, the court finds that the judgment of the learned tribunal is not in accordance with law, as such, the said judgment dated 27.01.2020, passed in Case No. OA(IIU)/RNC/76/2018 [Checklist No. 2905180005], by the learned Railway Claims Tribunal, Circuit Bench, Ranchi, whereby, the claim application filed by the appellants herein has been rejected by the learned tribunal, is hereby, set aside.

16. The claimants shall be entitled to be paid for the compensation of Rs. 8,00,000/- along with interest @ 7.5% per annum from the date of accident i.e. from 01.07.2017 till the actual payment. As such, the sole-respondent Railway is directed to comply this order within six weeks from today.

17. This appeal is allowed in above terms.

18. Let the Trial Court Records be sent back to the learned court forthwith.

(Sanjay Kumar Dwivedi, J.)

Amitesh/-

[A.F.R.]