

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 152 of 2021

1. Om Prakash Thakur @ Om Prakesh Thakur, S/o Jamuna Thakur
2. Krishna Devi, W/o Om Prakash Thakur @ Om Prakesh Thakur
Both of R/o Village/Mohalla Panchkauri Saw Lane, West Lohanipur,
PO & PS Kadam Kuan, District Patna.

.... Appellants

Versus

The Union of India through the General Manager, Eastern Railway, Kolkata,
having its office at Koilaghat Street, PO & PS Koilaghat, Kolkata

... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Rajesh Kumar Jha, Advocate

For the Respondent : Mrs. Nitu Sinha, C.G.C.

Order No. 05 / Dated : 14.11.2025.

Claimants are in appeal against the judgment passed on 10.02.2020 by the Railway Claims Tribunal, Ranchi Bench at Ranchi in Case No. O.A-II/147/2018 in which the claim application has been dismissed.

2. The claim application was filed seeking compensation of Rs. 8 Lakh with interest for the death of deceased Shri Sujit Kumar in a railway accident on 04.05.2018.

3. As per the case of the claimant, the deceased was travelling by Train No. 18184 from Patna to Howrah. During the course of his journey, he accidentally fell down from the running train in between Vidyasagar and Kaseetar Halt due to sudden jerk and died in the railway accident.

4. One witness was examined on behalf of the claimants.

5. From perusal of the lower court record, it appears that certified copy of FIR, copy of Postmortem Report, Inquest Report, Challan, Railway Ticket etc. were brought on record during enquiry before learned Tribunal. However, the claim has been dismissed on the ground that the deceased was not a bonafide passenger of any train as no railway ticket was recovered by the officials during preparation of inquest report.

6. 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. Further, the requirement of railway ticket is not a sine qua non for establishing that the deceased was a bona fide passenger in view of the ratio laid down by the Hon'ble Apex Court in **(2019) 3 SCC 572 (Union of India Vs. Rina Devi)**.

7. Learned counsel for the Railways has defended the impugned order.

8. Having considered the submissions advanced on behalf of both sides, there cannot be any doubt that deceased Shri Sujit Kumar died in a railway accident in an untoward incident while he accidentally fell down from the running train between Vidyasagar and Kaseetar Halt. This part of the case of the claimants is established by the FIR, Inquest Report and the Forwarding Memo for postmortem. All of these consistently state that death was due to fall from the train. On these evidences, there cannot be any room of doubt that the death occurred in an untoward incident due to fall from the running train. Ticket has also been produced but the same is not legible. Thus, argument with regard to absence of ticket cannot be accepted in view of the ratio laid down by the Hon'ble Apex Court in Union of India Vs. Rina Devi (supra).

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

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

11. Since the accident took place on 04.05.2018, 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.

Misc. Appeal is allowed. Interlocutory Application, if any, is disposed of.

(Gautam Kumar Choudhary, J.)

AKT/ -

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