

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 650 of 2018

1. Manju Malviya W/o Late Shailendra Kumar Malviya R/o Mohalla Shanti Nivas, Srikant Road, Indra Nagar, near Bachpan Play School, Belabagan, P.O. & P.S.- Deoghar, District- Deoghar Appellant
- Versus
1. Union of India through the General Manager, Eastern Railway, Kolkata, P.O. & P.S.-Koylaghat, District-Kolkata
2. Pragyesh Kumar Malviya
3. Prashant Kumar Malviya, both sons of Late Shailendra Kumar Malviya, both R/o Mohalla Shanti Nivas, Srikant Road, Indra Nagar, near Bachpan Play School, Belabagan, P.O. & P.S.- Deoghar, District-Deoghar
4. Pragya Tiwari D/o Late Shailendra Kumar Malviya W/o Mahesh Kumar Tiwari R/o Mohalla Shanti Nivas, Srikant Road, Indra Nagar, near Bachpan Play School, Belabagan, P.O. & P.S.- Deoghar, District-Deoghar, presently residing at Road No. 2, Krishnapuri, Chutia, P.O.& P.S. Chutia, District- Ranchi
5. Madhu Malviya, D/o Late Shailendra Kumar Malviya W/o Uttam Kumar Tiwari R/o Mohalla Shanti Nivas, Srikant Road, Indra Nagar, near Bachpan Play School, Belabagan, P.O. & P.S.- Deoghar, District-Deoghar, presently residing at B1/11, CISF Campus, Sahri CISF Unit, NTPC, Barh, P.O.& P.S.- Barh, District-Patna Bihar
- Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants	:Mr. Manish Kumar, Advocate
	Mr. Prabhat Kumar, Advocate
For the Railway	: Mr. Niki Sinha, CGC

Order No. 10 / Dated : 13.11.2025.

Heard, learned counsel for the parties.

1. The claimants/ appellants have preferred the instant Misc. Appeal against the judgment/ order dated 14.09.2018 passed by learned Member (Technical)/ RCT/ Ranchi, in Case No. OA (IIU)/ RNC/134/2017 whereby and whereunder the claim case preferred under Section 16 of the Railway Claims Tribunal Act, 1987 has been dismissed by the learned Tribunal.
2. As per the case of the claimants, it is alleged that on 16.05.2014, husband of the appellant namely, Shailendra Kumar Malviya while travelling in train fell down Near Satsang Railway Station and died. His mobile phone, money, purse and travelling ticket were lost in this incident.
3. The claim case was contested by the respondent-Railways, inter-alia, on the ground that the deceased was not a bona-fide passenger of any train on the

fateful day and a manufactured story has been set up by giving it a color of train accident.

4. Altogether three witnesses were examined on behalf of the claimants and relevant documents including fardbeyan, inquest report, FIR, Post-mortem report etc., were adduced as evidence and marked as Exhibits.
5. Learned Tribunal dismissed the claim application on the ground that there was no eyewitness or independent witness to the alleged accident. Learned Tribunal opined that mere recovery of dead-body from the track was not sufficient to prove that the death was on account of the untoward accident as defined under Section 2(29) of the Railways Act.
6. It is argued by the learned counsel on behalf of the appellant-claimant that the documents which have been adduced on behalf of the respondent-Railways consistently state that the cause of accident was due to fall from a running train. Although the claimant is not the direct eye witnesses, as the accident took place at the remote place, still she have deposed that death was caused due to fall from a train and her testimony had remained undemolished in the cross-examination. In any case, production of ticket is not an essential requirement for claim made under Railways Act as held by the Apex Court in ***Union of India Vs. Rina Devi, (2019) 3 SCC 572.***
7. Learned counsel appearing on behalf of the respondent-Eastern Railway submits that there is not a single eyewitness to the accident and the documents on which the claimants are relying are not substantive piece of evidence to draw an inference that death was accidental in nature. There is no evidence to suggest that the deceased was a bona-fide passenger as neither ticket has been produced nor the evidence of any co-passenger has been recorded.
8. Having considered the submissions on behalf of both sides and perusing the materials on record, it be noted at the outset, the claim for compensation has been preferred under the Railways Act, 1984 and the relevant provisions are the beneficial piece of legislation. Hon'ble Supreme Court has held in the case of ***Rina Devi (supra)*** that production of a passenger ticket is not a *sine qua non* to prove that the deceased was a bona-fide passenger. This is also for the reason that the accident takes place many times in odd hours of the day or at night in remote places, and it will be an unconsignable burden on the claimants, to produce railway ticket(s) of the deceased passenger in all cases.
9. Here, in the present case as per the fardbeyan which was recorded on the very

same day of accident i.e., on 16.05.2014- states that the cause of death was due to fall from a running train. The similar statement has been recorded in the entries in the inquest report (Ext.A-3) and the final report. The weight of evidence cumulatively suggests that death was accidental death by fall from a train. All three witnesses have been cross-examined and their testimony has remained undemolished regarding the factum of accident. No contrary evidence has been led on behalf of the Respondent- railways.

10. Under the circumstance, overwhelming evidence cannot be cast away only for the reason that no railway ticket could be produced. The judgment and finding of the learned Tribunal is set aside.

11. Under the circumstance, in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, a sum of Rs.8,00,000/- (Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident till the date of payment which will be paid by the respondent-Railways within a month of the order.

Miscellaneous Appeal is allowed.

12. Respondent-Railways is directed to pay the compensation to the claimants on their proper identification within, four weeks of the order. Let the LCR be remitted to the concerned Tribunal.

Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

Sandeep/ -

Uploaded
13.11.2025.