



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2763-2022

Date of decision : 25.07.2025

TAJINDER KAUR AND OTHERS

....Appellants

Versus

UNION OF INDIA

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Narnder Kaajla, Advocate for the appellants.

Mr. Arshad Ali, Advocate for respondent/UOI.

PANKAJ JAIN, J. (ORAL)

Challenge is to the order passed by RCT, Chandigarh Bench, Chandigarh, dated 03.01.2022, whereby the claim petition filed by the claimants seeking compensation on account of death of one Neeraj in an untoward incident while travelling from railways, has been dismissed.

2. As per claimants, a memo dated 02.02.2019 was issued by Station Master, Ambala City to GRP, Ambala City reporting that one person of train No.64524 informed that one person was run over on platform No.1, Ambala City. Deceased had gone to Ambala City for his job when his wife received a call from the police official regarding Neeraj having met with an accident and died. Further reference was made to one Mannu vendor at Railway Station, Ambala City, who is claimed to have stated that while he



was selling tea at platform No.1 on 02.02.2019, he saw a passenger train coming from Rajpura side. One person fell down from the train who was run over by the train.

3. The claim was resisted by the railways denying that the deceased was a *bona fide* passenger or lost his life in an untoward incident.

4. The claim was put to trial, framing following issues:

- “1. Whether the deceased was a bona fide passenger of the train at the time of incident?
2. Whether the alleged incident is covered within the ambit of Section 123(c)(2) read with Section 124-A of Railways Act?
3. Whether the applicants are the sole dependents of the deceased?
4. Relief.”

5. While deciding issues No.1 & 2, Tribunal held that even though the ticket was recovered from the dead body and the same was verified and found to be genuine but the same cannot be relied upon. The reasoning recorded by the Tribunal is that the ticket was issued at 17:51 hours whereas incident took place at around 20:40. Meaning thereby, the victim did not board train till 20:40 after purchasing the ticket, even though trains were plying from Ambala City to Barara during this time. Tribunal further found that the claimants have relied upon statement of tea vendor Mannu claimed to be an eye-witness to the incident. But as per the records, there is no vendor on Ambala City Railway Station by the name of Mannu.



6. Having heard counsel for the parties and after carefully perusing the records of the present case, this Court finds that the Tribunal totally misdirected itself on both the issues.

7. Death of the deceased Neeraj within the precincts of the railway station, is not in dispute. It is also not disputed that a valid journey ticket was recovered from the dead body of deceased Neeraj. The ticket was verified by railways and was found to be valid and genuine. The reasoning recorded by the Tribunal that the ticket was issued at 17:51 hours and the incident took place at 20:40 hours, does not in any way dent the case of the claimants.

8. Section 123 and Section 124A of the Railways Act read as under:

123. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) “accident” means an accident of the nature described in section 124;

(b) “dependant” means any of the following relatives of a deceased passenger, namely:—

(i) the wife, husband, son and daughter, and in case the deceased passenger is unmarried or is a minor, his parent;

(ii) the parent, minor brother or unmarried sister, widowed sister, widowed daughter-in-law and a minor child of a pre-deceased son, if dependant wholly or partly on the deceased passenger;

(iii) a minor child of a pre-deceased daughter, if wholly dependant on the deceased passenger;

(iv) the paternal grand parent wholly dependant on the deceased passenger; 1



[(c) “untoward incident” means—

(I) (i) the commission of a terrorist act within the meaning of sub-section (1) of section (3) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987);

or

(ii) the making of a violent attack or the commission of robbery or dacoity; or

(iii) the indulging in rioting, shoot-out or arson,

by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or

(2) the accidental falling of any passenger from a train carrying passengers.]

[124A. Compensation on account of untoward incidents.

—When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only of loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

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 purpose 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.]

9 Combined reading of the provisions would reveal that any person having a valid journey ticket or even platform ticket falls within the definition of bona fide passenger. Once his death after coming under the train within the precincts of the railway station is not disputed, the claimants cannot be disentitled from claiming compensation on account of death of the deceased in an untoward incident.

10. In view of above, this Court finds that the finding recorded by the Tribunal cannot be sustained and need to be set aside. Resultantly, the award passed by the Tribunal is hereby set aside. Instant Appeal is allowed.

Relief:

9. The accident is dated 02.02.2019. The claim is governed by amended schedule appended to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990. Resultantly, the claimants are entitled to compensation of Rs.8.00 lacs along with interest @ 7% per annum from the date of filing of claim application till the date of actual realization.



10. The claimants shall move an appropriate application giving details of their bank account before the Tribunal within a period of 4 weeks with an advance copy to the Railways. After receiving advance copy with respect to details of bank accounts, Railways shall within a further period of 12 weeks deposit the entire compensation payable to the claimants in the bank accounts. In the event of failure of Railways to deposit the compensation within the prescribed period of 12 weeks, the Railways shall be liable to pay interest @9% per annum from the date of passing of this order till the date of actual realization.

July 25, 2025
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No