



221

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

FAO-1327-2016 (O&M)

Decided on 19.02.2025

Mangal Singh & anr.

....Appellants

Versus

Union of India

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Upender Prashar, Advocate
for the appellants.

Ms. Saigeeta Srivastava, Advocate
for the respondent-UI.

PANKAJ JAIN, J.(ORAL)

Claimants are in appeal aggrieved of the order passed by Railways Claim Tribunal, Chandigarh Bench, Chandigarh whereby claim petition filed by the claimants seeking compensation on account of death of Karanbir Singh in an untoward incident involving railway dated 18.11.2012 stands rejected.

2 As per the claimants deceased Karanbir Singh boarded DMU train from Baba Bakala Rayya Railway Station to go to Amritsar on 18.11.2012. He was holding valid ticket bearing No.75254. While train reached near railway station he accidentally fell from the running train. He was taken to Guru Nanak Dev Hospital, Amritsar in injured condition. The train ticket was recovered from his pocket in the hospital, but the same could



FAO-1327-2016 (O&M)

not be handed over to the authorities due to ignorance. Thus claimants claimed that Karanbir Singh died in an untoward accident after he fell from the running train and thus they are entitled for compensation under the Railways Act. The claim was contested by the Railways denying that the deceased was a bona-fide passenger and that he died during an untoward incident.

3 On the basis of the pleadings following issues were framed :-

- “1) Whether the deceased was a bonafide passenger of 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 the Railway Act?*
- 3) Whether the applicants are the sole dependents of the deceased?*
- 4) Relief.”*

4 In order to prove that the deceased was a bona-fide passenger, claimants produced ticket bearing No.75254. The same has been disbelieved by the Tribunal holding that fard jamatalashi was proved on record as Ex. A-2. As per the same nothing was recovered from the personal search of the deceased. Thus railway journey ticket bearing No.75254 is a planted ticket. Tribunal further referred to statement made by RW-2 Shirphool Meena, Chief Booking Supervisor, Beas who appeared before the Tribunal and testified the ticket No.75254 was given to contractor on 03.12.2012 and was sold on 06.12.2012. Thus Tribunal held that the evidence on record falsifies the claim of the claimants and the deceased was held not to be a bona-fide passenger dismissing the claim filed by the claimants.



FAO-1327-2016 (O&M)

5 Learned counsel for the appellants while assailing the impugned order passed by the RCT submits that after suffering injuries, the deceased was taken to Guru Nank Dev Hospital, Amritsar. It was there that the ticket was recovered from his pocket. Owing to lack of knowledge the same could not be produced at the first instance. He further submits that admittedly the ticket was sold by a Contractor. He has not been examined. Counsel further refers to statement of RW-1, who admitted in his cross-examination that there is no date of issue on the ticket and he is not in position to testify regarding the same as the same was issued by the Contractor.

6 *Per contra*, learned counsel for the respondent refers to the testimony of RW-2. He submits that the ticket though issued by the Contractor was initially released by the Ticket Supervisor only. He has appeared before the Tribunal and exclusively stated that the ticket propounded by the claimants was given to the Contractor only on 03.12.2012 i.e. much after the date of the accident i.e. 18.11.2012. She thus admits that an attempt was made by the claimants to maintain the claim petition on the basis of a ticket which was purchased later on. The same was planted by the claimants to claim compensation to which they are not entitled.

7 I have heard learned counsel for the parties and have carefully gone through records of the case.

8 In the light of the testimony of RW-2 who is the Chief Booking Supervisor at Beas and was custodian of the tickets and the record produced by him before the Tribunal, this Court does not find any exception to the



FAO-1327-2016 (O&M)

findings recorded by the Tribunal. From the statement of RW-2 it stands proved that the ticket was given to Contractor only on 03.12.2012. Thus in any circumstance, the same could have been sold only after 03.12.2012 and there is no question of the same having been issued on 18.11.2012 as claimed by the claimants. The whole claim propounded by the claimants being based upon ticket, this Court does not find any reason to interfere in the findings recorded by the Tribunal.

9 Appeal stands dismissed.

19.02.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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