



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-796-2016 (O&M)

Date of decision : 19.02.2025

Parveen Kumar & anr.

..... Appellants

Versus

Union of India

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ujval Mittal, Advocate
for the appellants.

Mr. N.K.Vashist, Sr. Panel Counsel
for respondent-UOI.

PANKAJ JAIN, J. (ORA)

1 Present appeal has been filed against the judgment and decree dated 22.05.2015 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

2 In the considered opinion of this Court, the Tribunal fell in error in indicting the GRP itself to disbelieve the search memo which mentioned recovery of train ticket from the dead body. Apart there from AW-1 has furnished affidavit claiming that the deceased purchased a ticket and the said evidence has gone unrebutted.

3 Thus in view of ratio of law laid down in *Union of India vs. Rina Devi, (2019) 3 SCC 572* finding on issue No.1 needs to be reversed.

4 Coming on to the issue with respect to untoward incident, as per the case of the Railways itself, Station Master Jagadhari got information



that an unknown person was lying dead. Claimants claimed that victim fell as a result of sudden jerk while boarding train due to heavy rush. The claim of the appellants has been declined by the Tribunal observing that when the train starts with jerk, the person shall fall at some distance from the train and not on the railway track.

5 In the considered opinion of this Court, the finding recorded by RCT is conjectural. It is not based on cogent evidence.

6 There is no evidence on record led by the railways to show negligence of the deceased. There is no evidence on record to show that the deceased has any intent to inflict self injury. Thus issue No.2 is also squarely covered by ratio of law laid down by Apex Court in *Rina Devi's case (supra)*. Resultantly the findings recorded by the Tribunal are held to be perverse and not sustainable in the eyes of law.

7 Appeal is allowed.

Relief:-

The accident is of the year 2013. Thus, the compensation awarded to the appellants shall be as per Part I of the Schedule appended to the Railway Accident and Untoward Incidents (Compensation) Rules, 1990 prior to amendment dated 1st of January 2017 i.e. Rs.4.00 lacs along with interest @ 7.5% per annum payable for the period from the date of application till the date of actual realization.

19.02.2025

Pooja Sharma-I

Whether speaking/reasoned:

Whether reportable:

**(PANKAJ JAIN)
JUDGE**

Yes/No

Yes/No