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

FAO-2590-2018 (O&M)

Date of decision : 28.02.2025

Narinder Kaur & anr.

..... Appellants

Versus

Union of India

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. S.K.Sharma, Sr. Panel Counsel for the respondents.

PANKAJ JAIN, J. (ORAL)

1 Claimants are in appeal aggrieved of award dated 14.12.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby claim petition filed by the claimants seeking compensation on account of death of Manjinderpal Singh Uppal in an untoward incident dated 28.03.2015 while travelling in a passenger train from Beas to Amritsar has been declined.

2 Appellants filed claim petition claiming that on 28.03.2015 deceased boarded train from Beas Railway Station to reach Amritsar. When the train reached near Tangra Railway station the deceased accidentally fell down from the train. He sustained brain hemorrhage and died on the spot. Deceased was travelling in the train on his monthly season ticket (MST) as a daily passenger because he was doing job at Amritsar.

3 Claim petition was contested by Railways denying that the deceased was a bonafide passenger. It was asserted that though MST has



been produced but the same is of no consequence in the absence of there being any identity card. Since no identity card was recovered from the personal search of the deceased he cannot be said to be a bonafide passenger. It was further claimed that no number of the train was given. There was no crush injury and the same falsifies the story put forth by the claimants. 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 Sec. 123(c) (2) read with Section 124-A of the Railways Act ?*
- 3. Whether the applicant is the sole dependents of the deceased?*
- 4. Relief.”*

4 Tribunal held that no identity card issued by the Railway authorities was recovered from the personal search of the deceased and thus mere presentation of MST would not make the deceased a bonafide passenger. Tribunal further held that as per the report of untoward incident filed by the Station authorities, dead body was lying in between up and down line. As per conclusion of DRMs inquiry report the deceased died due to fall from an unknown train. Thus, Tribunal held that even though the deceased has been found by the railway authorities to have died of a fall from the train, he having been held not to be a bonafide passenger, the incident cannot be held to be an untoward incident.

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

6 So far as issue regarding death of the deceased is concerned, the railway authorities themselves have concluded in their inquiry that the same



is owing to fall from an unknown train. Thus the issue on which the fate of the present appeal hinges is : *whether the deceased was a bonafide passenger or not?*

7 From the record, it is evident that a railway pass valid from 07.03.2015 to 06.04.2015 bearing No.11383526 was recovered from the personal search of the deceased. The same was accompanied by a receipt of aadhar card in his name. Identity card issued is merely to verify the identity of the ticket holder. Once the valid railway pass in vogue on the date of accident was recovered from the personal search and the same was issued in the name of the deceased, this Court finds that the Tribunal erred in non-suiting the claimants holding that the deceased was not a bonafide passenger. Valid ticket was found. Accident happened on the way from Beas to Amritsar for which the deceased was holding railway pass. Thus the findings recorded by the Tribunal on the issue of bonafide passenger cannot be sustained and deserve to be reversed.

8 In view of above, this Court finds that the present appeal deserves to be allowed. Findings recorded by the Tribunal on issues No.1 & 2 need to be reversed. Claim petition is allowed. Claimants are held entitled for an amount of Rs.8.00 lacs along with interest @9% commencing from the date of accident till the date of actual realization.

(PANKAJ JAIN)
JUDGE

28.02.2025
Pooja Sharma-I

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No