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

FAO-640-2018 (O&M)

Date of decision : 06.11.2025

USHA RANI

....Appellant

Versus

UNION OF INDIA

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

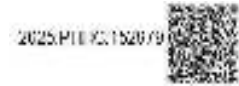
Present : Mr. Upender Prasher, Advocate for the appellant.

Mr. Prajwal Chauhan, Central Govt. Counsel, UOI.

PANKAJ JAIN, J. (ORAL)

Claimant is in appeal aggrieved of the order dated 10.10.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby the claim petition preferred by the claimant seeking compensation on account of injuries suffered by her in an untoward incident while travelling from railways, has been dismissed.

2. Claimant filed claim application pleading that on 06.04.2014, she along with her relatives boarded Dadar Express Train No.11058-Dn from Jandiala railway station for Jalandhar with a valid journey ticket. After the train started, she accidentally fell down from the moving train. In the accident, her both legs were crushed and amputated below knee. She has been rendered 100% permanently disabled.

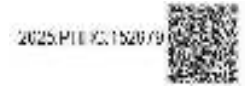


3. The claim petition was contested by the respondent denying that the claimant was travelling on a valid ticket. As per respondent, injury, if any, caused to the claimant was on account of her own negligence and the accident does not fall within the ambit of an 'untoward incident' as defined under Section 124A of the Railways Act.

4. On the basis of the pleadings, Tribunal framed the following issues:

- “1. Whether the injured/applicant 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 Sec.124-A of the Railways Act?
3. What are the scheduled and non-scheduled injuries sustained by the applicant?
4. Relief.”

5. It has been proved on record that the claimant lost her legs after suffering fall from Dadar Express Train No.11058-Dn at Jandiala railway station. So has been held by the Tribunal referring to the statement of AW-1/4 Dharminder Kumar, Station Master Jandiala. However, Tribunal has non-suited the claimant holding that she failed to prove her status as a *bona fide* passenger. Tribunal held that from the facts, it stands proved that the applicant and her husband had gone to railway station Jandiala, to see off their son and his family who were to travel in Train No.11058-Dn Dadar Express. After son of the claimant and his family had boarded train and the claimant was alighting from the train, she fell down.

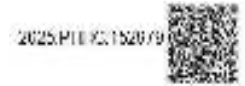


6. Counsel for the appellant has assailed the findings recorded by the Tribunal. He refers to the testimony of the claimant before the Tribunal while appearing as AW-1. He submits that the claimant specifically and explicitly testified that she was travelling from Jandiala to Jalandhar. Ticket was purchased by her husband. The same was in the pocket of the shirt of her husband. After the claimant suffered injury, the shirt was used to tie her legs to stop the flow of blood and the ticket was lost in the said process. Further reliance is being made to the statement made by claimant in inquiry conducted by DRM. It has been contended that once the claimant herself entered into witness-box and testified of her husband having purchased the ticket, the Tribunal ought not have discarded the testimony of the claimant by substituting its own story that too which was not even pleaded by the railway authorities.

7. Per contra, counsel for the respondent submits that a pure finding of fact has been recorded by the Tribunal. It is evident that claimant and her husband came to railway station to see off their son who was to travel to Bikaner being employed in the Indian Army. The claimant herself was neither passenger nor had purchased any ticket. He submits that no fault can be found with the findings recorded by the Tribunal.

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

9. So far as the finding w.r.t. claimant having suffered injury in an 'untoward incident' is concerned, the same has been rightly recorded by the



Tribunal. The same stands affirmed. It is held that the claimant lost her legs below the knee, on account of fall she suffered from Train No.11058-Dn Dadar Express at Jandiala railway station.

10. The issue is :

‘Whether claimant was travelling in the train as a bona fide passenger or not?’

11. Claimant appeared before the Tribunal as AW-1 and made a specific statement which reads as under:

“Statement of Smt. Usha Rani w/o Sh. Amarjit Singh, aged 62 years, r/o H.No.5, Gali No. 5, Model Town, Jandiala Guru . District Amritsar **(On S.A.)**

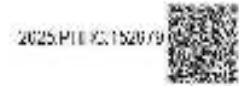
OATH ADMINISTERED

Examination by Applicant’s Advocate

I tender my affidavit AW-I alongwith other documents in applicant's evidence. I know the contents of my claim application as well as affidavit filed today.

XXX by respondent's counsel

I reached railway station Jandiala about 5 minute before the train reached the station. There is only one platform at Jandiala railway station. The ticket was purchased by my husband. My statement was recorded by the police. I do not know what GRP had written in my statement but the ticket was purchased by my husband. Only one ticket was purchased for me and my husband. There was enough time for me to put all the luggage inside the compartment and I put all the luggage inside the compartment. It is incorrect to suggest that I did not have any ticket and I was not supposed to go to Jalandhar or I had boarded the compartment to see off my son's family and while boarding down, since the train had already



started, I fell down from moving train due to my own negligence. The ticket was in the pocket of my husband's shirt. The shirt was tied on my leg to stop the flow of the blood and in that process the ticket was lost somewhere. It is incorrect to suggest that I was not supposed to go to Jalandhar to see of my son and his family. It is incorrect to suggest that I did not purchase any ticket. It is incorrect to suggest that I had fallen down due to my own negligence after seeing off my son's family. It is incorrect to suggest that I am deposing falsely.

R.O. & A.C.

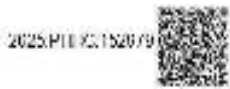
xxxx”

11.1. Similar is her stand before the railway authorities in an inquiry conducted by DRM.

12. The aforesaid evidence in form of oral testimony of the claimant who is an injured-witness, has gone unrebutted.

13. In the considered opinion of this Court, the issue would be squarely covered by the ratio of law laid down by Supreme Court in the case of **‘Union of India vs. Rina Devi’, (2019) 3 SCC 572** whereby it has been held as under:

“17.4 We thus hold that mere presence of a body on the Railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.”



14. In view of above, this Court finds that the finding recorded by the Tribunal regarding the claimant being not a *bona fide* passenger, cannot be sustained being in teeth of ratio of law laid down by Supreme Court in *Rina Devi’s* case (supra). The same is ordered to be reversed. Claimant is held to be a *bona fide* passenger, who suffered ‘scheduled injuries’ in an untoward incident while travelling from the railways as contemplated under Section 124A read with Section 123(c) of the Railways Act, 1989.

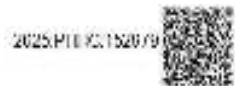
Relief:

15. The date of accident is 06.04.2014. The same being prior to the amendment in the Scheduled appended to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 (hereinafter referred to as ‘1990 Rules’), the compensation shall abide by unamended Schedule. The injuries suffered by the claimant, are relatable to Part-II of the Schedule appended to 1990 Rules. Item No.3 of Part-II, reads as under:

“*SCHEDULE*
(See rule 3)

**AMOUNT OF COMPENSATION PAYABLE IN RESPECT OF
DEATH AND INJURIES**

		Amount of Compensation (in rupees)
	PART-I xxx	
	PART-II	
(1)	xxx	
(2)	xxx	
(3)	For double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot	8,00,000
(4)	xxx	



16. Accordingly, the claimant is held entitled for Rs.4,00,000/- with interest @ 9% per annum from the date of accident till the date of actual realization or Rs.8,00,000/- whichever is higher.
17. The claimant shall move an appropriate application giving details of her 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 claimant 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.
18. Instant appeal is accordingly, allowed.
19. Pending application, if any, shall also stands disposed off.

November 06, 2025			(Pankaj Jain)
Dpr			Judge
Whether speaking/reasoned	:	Yes/No	
Whether reportable	:	Yes/No	