



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

229

FAO-1144-2019

Reserved on : 12.09.2025

Pronounced on : 02.12.2025

Ravinder Kaur and others**..... Appellants****versus****Union of India and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Atul Bhatia, Advocate
for the appellants.

Mr. Praveen Chander Goyal, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. This appeal is directed against the judgment and order dated 28.09.2018 passed by the learned Railway Claims Tribunal Chandigarh Bench, Chandigarh whereby the claim application filed under Section 16 of the Railway Claims Tribunal Act, 1987 read with Section 124-A of the Railways Act, 1989 seeking compensation of ₹10,00,000/- on account of the death of Harjeet Singh in an alleged untoward incident dated 20.04.2015 was dismissed.

2. The case of the appellants is that on 20.04.2015, the deceased Harjeet Singh was travelling by a passenger train from Faridabad to New Delhi. During the course of journey, he accidentally fell down at KM No. 1511/4-6 near the Faridabad-JNC section due to a sudden jerk, sustained grievous injuries and died on the spot. It was pleaded that he was a bona fide passenger travelling on a valid journey



3. The respondent–Railways contested the claim by filing a written statement. It was contended that no untoward incident, as defined under Section 123(c) of the Railways Act, 1989 had occurred. The Railways averred that no journey ticket was recovered from the body of the deceased during physical search and therefore the deceased could not be treated as a bona fide passenger. Reference was made to Memo No. SS/FDB/2015/LT/01/14/45 dated 20.04.2015, wherein information was received from the driver of train JNPT-Spl that a dead body was lying on the Down main line between Faridabad and JNP stations. It was further alleged that the deceased had sustained multiple crush injuries and amputation of vital parts, suggesting that he was run over while crossing the railway track and that the death was a result of his own negligence.

4. On the basis of pleadings, the learned Tribunal framed the 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) read with section 124-A of the Railways Act?*
- 3) Whether the applicants were the sole dependents of the deceased?*
- 4) Relief.”*

5. Tribunal dismissed the claim petition holding that the deceased was not proved to be a bona fide passenger, as no journey ticket was recovered and no witness was examined to establish that he had purchased a ticket. The claim cannot be entertained on the basis of surmises and conjectures by assuming that the deceased was a bonafide



passenger without any positive proof by the claimants showing that he was undertaking the journey after due purchase of ticket. The Tribunal further held that the injuries sustained by the deceased indicated that he was run over while crossing the railway track and, therefore, the case did not fall within the ambit of untoward incident as defined under Section 123(c) of the Act.

6. Aggrieved by the said order, the appellants are in appeal before this Court contending that the learned Tribunal failed to appreciate the settled legal position that mere non-recovery of a journey ticket cannot be the sole ground to disbelieve the case of the claimants.

7. Learned counsel for the appellants has placed reliance upon the judgments of the Hon'ble Supreme Court in ***Union of India v. Prabhakaran Vijaya Kumar & Ors., (2008) 9 SCC 527*** and ***Union of India v. Rina Devi, (2019) 3 SCC 572***, to submit that where a person dies as a result of an accidental fall from a train, such death constitutes an untoward incident and compensation under Section 124-A is payable unless it is proved that the case falls within any of the statutory exceptions.

8. *Per contra*, learned counsel for the respondent–Railways submits that the nature of injuries clearly indicates that the deceased was not a passenger, but was crossing the track in a negligent manner. It was submitted that the onus to prove that the deceased was a bona fide passenger lay on the claimants, which they failed to discharge.

9. I have considered the rival submissions and perused the material on record.



10. The finding of the Tribunal that the deceased was not a bona fide passenger rests solely upon the non-recovery of the journey ticket. However, it is well-settled that loss of a ticket in the course of an accident cannot, by itself, disprove bona fide travel. In ***Rina Devi's case (supra)***, the Supreme Court held that where it is asserted by the claimants on affidavit that the deceased was travelling as a bonafide passenger of the train, the onus shifts upon the Railways to prove otherwise. In the present case, nothing has been brought on record by the Railways to disprove the bonafides of the claimants.

11. In the present case, there is no evidence to show that the deceased was crossing the track or committing any act of trespass. The post-mortem report indicates multiple injuries which are consistent with a fall from a moving train. No eyewitness or official record has been produced by the Railways to establish that the deceased was not a passenger or that he met his death while crossing the line. The conclusion of the Tribunal that the deceased was run over while crossing the track is, therefore, speculative and unsupported by evidence.

12. Once it is established that the death occurred due to a fall from a train, the incident must be treated as an untoward incident within the meaning of Section 123(c)(2) of the Railways Act, 1989. Consequently, the appellants, being dependents of the deceased, are entitled to compensation in accordance with Section 124-A of the Act.

13. In view of the above discussion, this Court finds that the judgment of the learned Tribunal cannot be sustained and deserves to be set aside. The death of Harjeet Singh is held to be the result of an



untoward incident, and the appellants are entitled to compensation as per the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990.

14. The accident relates to the year 2015. Thus, the compensation shall be as per part I of the Schedule appended to the Railway Accident & Untoward Incidents (Compensation) Rules. Compensation of Rs.4,00,000/- along with interest @ 9% per annum or Rs.8,00,000/- without interest whichever is higher, is payable for the period from the date of application till the date of actual realization.

15. 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.

16. In view of above, the present appeal is disposed off.

(PANKAJ JAIN)
JUDGE

02.12.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No