



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

**FAO No.927 of 2020 (O&M)
Date of decision : 07.03.2025**

Manjit Kaur and others

....Appellants

Versus

Union of India

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Harmeet Singh Oberoi, Advocate
for the respondent-Union of India.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal aggrieved of the award passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh, dated 11.11.2019 whereby the claim petition filed by the claimants, stands dismissed.

2. Claimants approached Tribunal seeking compensation on account of death of Sucha Singh in an alleged untoward incident dated 27.03.2017. As per the claimants, the deceased boarded DMU train No.74901 from Tanda to Jammu Tawi on the fateful day at about 9.45 A.M. When the train reached Railway Station Pathankot, due to push from the other passenger, the deceased accidentally fell down from the moving train



and got seriously injured. He was taken to Civil Hospital, Pathankot where he succumbed to his injuries.

3. The claim was contested by the railways claiming that the deceased was neither a *bona fide* passenger nor was a victim of any untoward incident. As per the DRM report, guard of train No.74901 informed that one person was lying injured near platform No.2 at Jalandhar side. No valid journey ticket was found from the deceased. The deceased has committed suicide coming in front of moving train and the incident does not fall within the ambit of untoward incident as contemplated under Section 123(c) read with Section 124 of the Railways Act.

4. On the basis of the pleadings of the parties, following issues have been 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)(c) read with Section 124-A of the Railways Act?
- 3 Whether the applicants are the sole dependents of the deceased?
4. Relief.”

5. In order to prove that the deceased was a *bona fide* passenger, claimant the widow of the deceased, appeared as AW1, and testified before the Tribunal by way of affidavit that the deceased boarded the train after purchasing ticket. On the similar lines, Resham Singh brother of the



deceased, who appeared as AW-2, stated before the Tribunal that it was he who got the deceased boarded in DMU train after purchasing ticket for him for journey from Tanda to Pathankot. It was when he returned back home on 28.03.2017 that one employee namely Satpal Singh from Tanda police station gave him information w.r.t. death of a person due to fall from the train.

6. Tribunal held that the testimony of AW-1 remained uncorroborated as no ticket was found from the *jamatalashi* of the deceased. Statement of AW2 Resham Singh was disbelieved holding that despite the fact that AW1 Manjit Kaur as well as AW2 Resham Singh are living in the same house, it cannot be fathom as to how Manjit Kaur came to know of incident on 27.03.2017 whereas AW2 Resham Singh came to know thereof only on 28.02.2017.

7. Counsel for the appellant relies upon ratio of law laid down by the Apex Court in the case of '**Union of India vs. Rina Devi**', (2019) 3 SCC 572, to submit that the claimant/wife of deceased appeared before the Tribunal as AW1 and filed affidavit regarding the deceased being a *bona fide passenger* after purchasing a ticket. There is no evidence led by the railways. Thus, the evidence of the claimant having remained unrebutted, the issue of the deceased being a *bona fide* passenger is fully covered by **Rina Devi's** case (supra). He further submits that the deceased was found injured on the platform and thus the plea raised by the claimant(s) stands



fully corroborated and thus the only inference that can be drawn is that the deceased was a victim of untoward incident. He having lost life in an untoward incident involving railways, the claimants are entitled for compensation.

8. Per contra, Mr. Oberoi submits that falsity of the claim of the claimant is evident from the statement made by AW2 Resham Singh. It has been proved on record that Resham Singh was not truthful witness. This, puts whole of the story put-forth by the claimants under cloud. In fact, it is a case wherein the deceased was hit while crossing railway track as it has not been explained as to how the deceased came on to the platform.

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

10. So far as the issue w.r.t. the deceased being a *bona fide passenger* is concerned, evidently the same is fully covered by the ratio of law laid down in **Rina Devi's** case (supra). Thus, the findings recorded by the Tribunal need to be reversed. Deceased is held to be a *bona fide passenger* in view of the fact that the testimony of the claimant No.1 by way of affidavit before the Tribunal, remained un rebutted.

11. Coming on the issue of untoward incident, it has come in the inquiry held by the railways that guard of DMU Train No.74901-Up had informed regarding a person lying in injured condition on platform No.2 towards Jalandhar side. The driver made a statement that no person was hit



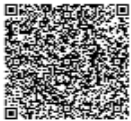
by the said train. Thus, the story put-forth by the railways that the deceased having been hit while crossing the track, cannot be believed. The fact that the deceased was found lying in injured condition on the platform itself leads credence to the claim of the claimants that in fact deceased was pushed out of the train and thus, sustained injuries in an untoward incident. This belies the stand of Railways too.

12. In view of above, this Court finds that the award passed by the Tribunal cannot be sustained and is hereby set aside. Resultantly, the instant appeal is allowed. Claim petition filed by the claimants is allowed.

Relief

13. The accident is dated 27.03.2017. The claim has to be governed by amended schedule appended to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990. Resultantly, the claimants are entitled to compensation of Rs.8.00 lacs along with interest @ 9% per annum from the date of filing of claim application till the date of actual realization.

14. Keeping in view the quantum of litigation that gets generated from untoward incidents involving railways, the Government needs to explore the possibility of having railway passengers insured compulsorily charging a nominal premium amount at the time the ticket is purchased. Such exercise shall not only ease out the burden on public exchequer



especially the Railways Department but the same shall also ensure semblance of sort of record of purchaser of railway ticket.

15. Copy of this order be sent to the Secretary, Ministry of Railways.

16. Pending application(s), if any, shall also stand disposed off.

March 07, 2025
Dpr

(Pankaj Jain)
Judge

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