

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1341 of 2024

Apurba Biswas

-Vs-

Union of India

For the Appellant : Mr. Navin Mittal

For the Respondent/
Union of India : Mr. Vikas Bansal

Judgment on : 08.06.2026

Ananya Bandyopadhyay, J.:-

1. The appeal arises from the judgment and order dated 25th August, 2020 passed by the learned Vice-Chairman, Railway Claims Tribunal, Kolkata Bench in Claim Application No.OA(IIU)/KOL/2014/0395 whereby the claim preferred under Section 124A of the Railways Act, 1989 stood rejected.
2. The factual matrix is largely beyond controversy. On 4th June, 2014, Archana Biswas, daughter of the appellant, commenced her journey from Samudragarh to Ambika Kalna by a local train. The claim petition asserts that owing to severe overcrowding and a sudden jerk of the train near Kalna Railway Station, she lost balance, fell from the running train and succumbed to the injuries at the place of occurrence. Kalna GRPS U.D. Case No.19 of 2014 dated 04.06.2014 was registered immediately thereafter.
3. The central questions requiring determination are:

- (i) whether the deceased was a bona fide passenger;
- (ii) whether her death occurred in an "untoward incident" within the meaning of Section 123(c)(2) of the Railways Act;
- (iii) whether the material relied upon by the Railway Administration is sufficient to dislodge the statutory liability contemplated under Section 124A of the Railways Act.

4. The record reveals a remarkable degree of consistency on the issue of possession of a valid journey ticket.
5. The seizure list specifically records recovery of Ticket No.93155 for travel from Samudragarh to Ambika Kalna from the person of the deceased. The Final Report refers to seizure of the railway ticket and preparation of a proper seizure list. The RPF report accompanying the DRM investigation also records that the deceased was travelling with a railway ticket found in her possession.
6. The appellant's written argument places reliance upon the seizure list, railway records and GRPS documents, all of which acknowledge possession of a valid second-class ticket. Significantly, the Railway Administration itself, through its investigative materials, does not dispute recovery of the ticket.
7. The objection advanced on behalf of the respondent that no railway ticket was produced before the Tribunal loses much of its force once the official records generated contemporaneously with the occurrence record seizure of the ticket from the body of the deceased. A document seized by the investigating agency enters the evidentiary stream through official records

and its existence does not vanish merely because the physical ticket was not exhibited at a later stage.

8. The cumulative effect of the seizure list, GRPS records, RPF report and DRM papers leaves little room for doubt that Archana Biswas was travelling as a bona fide passenger.
9. The Inquest Report records that the deceased was travelling by train and fell therefrom. The Final Report states that she fell from a local train and died at the spot. The Post-Mortem Report attributes death to injuries sustained in a railway accident and records the injuries as ante-mortem in character.
10. The RPF report further notes that preliminary enquiry disclosed that the deceased fell from a running train and struck a part of the train, resulting in fatal injuries.
11. What emerges from these contemporaneous records is a consistent narrative: a passenger travelling by train fell from the running train and sustained fatal injuries.
12. The respondent seeks to derive assistance from the DRM report wherein it is stated that the deceased was standing near the door of the compartment and leaning outside the train prior to the fall. Far from demolishing the appellant's case, the DRM report furnishes an explanation as to the manner in which the fall occurred.
13. A passenger standing near the doorway of an overcrowded suburban train and thereafter falling from the moving train remains a victim of an accidental fall from a train carrying passengers. The statutory expression "accidental falling of a passenger from a train carrying passengers" does not cease to

operate merely because the victim was positioned near the door of the compartment.

14. The Railway Administration has produced no material suggestive of suicide, self-inflicted injury, criminal act, intoxication, insanity or any circumstance falling within the exceptions carved out in the proviso to Section 124A of the Railways Act.
15. The written submissions on behalf of the Railway Administration proceed substantially on conjectural grounds.
16. The contention that the names of witnesses appearing in certain documents differ from those appearing elsewhere does not alter the core facts recorded by official agencies. Neither the inquest report nor the final report attributes the death to any cause other than a fall from a train.
17. The submission that the post-mortem report does not expressly state "fall from train" overlooks the purpose of medical evidence. A medical officer determines the cause of death and the nature of injuries; the precise mechanism by which the victim came to sustain those injuries is ordinarily gathered from the surrounding circumstances and investigative records. The post-mortem report herein attributes death to injuries sustained in a railway accident, a circumstance entirely compatible with the appellant's case.
18. The plea that there existed doubt regarding territorial jurisdiction is equally devoid of substance. The journey originated from Samudragarh, the destination was Ambika Kalna, the occurrence took place near Kalna Railway Station, and the claimant resides within the State of West Bengal. The Tribunal rightly possessed territorial competence to entertain the claim.

19. Section 124A of the Railways Act embodies a principle of strict liability. Once it is established that the victim was a bona fide passenger and death resulted from an untoward incident, compensation follows as a statutory consequence. Proof of negligence on the part of the Railway Administration is not a condition precedent.
20. The Supreme Court in *Union of India v. Prabhakaran Vijaya Kumar* and later in *Union of India v. Rina Devi* clarified that accidental fall from a train carrying passengers squarely falls within the ambit of an untoward incident and that compensation cannot be denied merely because the victim was standing near the doorway or because negligence is attributed to the passenger. The burden rests upon the Railway Administration to establish the existence of one of the statutory exceptions.
21. On the contrary, every material document generated immediately after the occurrence—the inquest report, final report, seizure list, post-mortem report, RPF report and DRM investigation—points towards a passenger travelling with a valid ticket who fell from a running train and sustained fatal injuries.
22. The evidentiary record, when examined as an integrated whole, presents a coherent and compelling account. Archana Biswas was a bona fide passenger travelling from Samudragarh to Ambika Kalna with a valid railway ticket. During the course of that journey she accidentally fell from the running train near Kalna Railway Station and succumbed to the injuries sustained in the occurrence. The incident answers the statutory description of an "untoward incident" under Section 123(c)(2) of the Railways Act, 1989. The Railway Administration has not succeeded in establishing any

circumstance capable of attracting the exceptions contained in the proviso to Section 124A of the Railways Act.

23. The Learned Tribunal, while dismissing the claim, assigned disproportionate weight to perceived discrepancies and failed to accord due significance to the contemporaneous official records that consistently supported the appellant's case. The conclusion reached by the Tribunal, therefore, cannot be sustained.

24. Accordingly, the appeal succeeds.

25. The judgment and order dated 25th August, 2020 passed by the learned Vice-Chairman, Railway Claims Tribunal, Kolkata Bench in Claim Application No.OA(IIU)/KOL/2014/0395 stand set aside.

26. The appellant shall be entitled to statutory compensation in terms of the law declared in Rina Devi, namely the amount prescribed on the date of adjudication or the amount applicable on the date of the accident, whichever is higher. Since the accident occurred on 04.06.2014 and the claim remained pending for a considerable period through the adjudicatory process, the appellant shall receive compensation of Rs.8,00,000/- together with interest at the rate of 6% per annum from the date of the Tribunal's order till actual payment.

27. The Railway Administration shall release the aforesaid amount in favour of the appellant within twelve weeks from the date of communication of this judgment. The appeal is, thus, allowed with the aforesaid directions.

28. In view of the above discussions, the appeal being FMA 1341 of 2024 is allowed.

29. Accordingly, the appeal is disposed of.

30. The connected application, if any, shall stand disposed of.
31. Parties to act upon the server copy of this judgment.
32. The urgent certified copy of this order be provided complying terms and conditions.

(Ananya Bandyopadhyay, J.)