



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4639-2023 (O&M)

Date of decision : 06.03.2026

Shalu

....Appellant

Versus

Union of India & anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Atul Bhatia, Advocate
for the appellant.

Mr. Arnav Kumar, Advocate
for respondent No.1.

None for respondent No.2.

PANKAJ JAIN, J.(ORAL)

1 Appellant is in appeal aggrieved of order dated 29.03.2023 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby claim application seeking compensation on account of death of Pawan Kumar in an untoward incident dated 16.05.2019 was dismissed.

2 The claim relates to death of Pawan Kumar who died in an untoward incident while travelling by train as a bonafide passenger on 16.05.2019. As per the claimant, deceased was a resident of village Mojgarh (Tehsil Barara). He was working as a car denter at village Sadhopur (near Dhulkot). He used to travel by train on a monthly seasoned ticket Ex. Barara to Dhulkot. On 16.05.2019, Pawan Kumar went to village Sadhopur



(near Dhulkot) to attend his duty with Mahindra Company. After attending to his job, he boarded train in the evening from Dhulkot for coming to Ambala Cantt., from where he caught the connecting train for his onward journey to Barara. When the train reached between Kesri and Barara Railway Station, the deceased fell from the moving train due to sudden jerk. Deceased died on the spot. It was on 17.05.2019 that Guard of one train informed Duty Station Master, Barara that a dead body was lying in the middle of Up line track. GRP reached the spot and investigated the incident. During physical search of the dead body of the deceased, a railway MST bearing No.UAB-98783946 issued in the name of Pawan Kumar-deceased was recovered along with his driving licence and cash of Rs.120/-.

3 Claim was resisted by respondent No.1 claiming that as per DRM report, the deceased died due to his own criminal negligence and it is a case of self-inflicted injuries. Had the deceased fallen from the train, his body would have been recovered outside the track and not from a spot in the middle of track. It is not a case of accidental falling but that of trespassing.

4 While deciding the claim application, the Tribunal found that the deceased did not sustain injuries while travelling by any train. Since his residence was near place of incident, he must have sustained injuries while roaming around the track.

5 Having heard learned counsel for the parties and after carefully perusing the records of the case, this Court finds that recovery of MST from the personal search of the deceased being not in dispute, it stands proved that the deceased was a bonafide passenger. It stands proved on record that the



spot from which the body of the deceased was found falls on the route the deceased used to travel by train using monthly seasoned ticket. Thus, it cannot be said that the deceased was not a bonafide passenger. As per the claim petition, the deceased travelled by train on 16.05.2019 in the evening. Body of the deceased was found from the railway track on 17.05.2019 around 06:55 AM. For the whole night the body was lying on the track. Thus the body having been dragged from its actual place of fall by stray dogs etc. cannot be ruled out. Merely for the reason that the deceased was resident of the nearby village, it cannot be held that he died while crossing the track. It having been proved that the deceased was a bonafide passenger travelling on a valid MST and that the body of the deceased was recovered from the railway track, this Court finds that the Railway Claims Tribunal grossly erred in declining the claim of the appellant.

6 Accordingly, the findings recorded by the Tribunal are hereby ordered to be reversed. It is held that the deceased died in an untoward incident while travelling as a bonafide passenger with respondent No.1. Keeping in view the date of accident the claimants are entitled for compensation as per the amended schedule. Claimants are awarded an amount of Rs.8,00,000/- along with interest @7% per annum from the date of accident till the date of actual realization. The compensation awarded shall be apportioned between the two claimants equally.

7 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 account of the claimants. 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.

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Consequently, the present appeal is allowed.
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Pending miscellaneous application, if any, also stands disposed off.

06.03.2026

Pooja Sharma-I

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No