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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 32/2026, CM APPL. 7620/2026**

MANDEEP KUMAR

.....Appellant

Through: Mr. Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Sandeep Tyagi, SPC for UOI.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.02.2026

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CM APPL. 7620/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

FAO 32/2026

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, on behalf of the appellant/claimant seeking setting aside of the judgment dated 20.11.2025 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA(Ilu) 741/2025.
2. Vide the aforesaid judgment, the Tribunal dismissed the appellant's claim for compensation in respect of the injuries sustained by the appellant.
3. The case of the appellant is that he was working as a Constable in the Railway Protection Force and was posted at Delhi. On 09.06.2024, he boarded Train No. 04432 to travel from *Kishan Ganj* to Delhi. At about



09:50 AM, while the train was near *Pulbangash*, the appellant accidentally fell from the train and sustained injuries to his right foot. With the assistance of persons present at the spot, he was initially taken to LNJP Hospital and was thereafter referred to Northern Railway Central Hospital. Subsequently, he was shifted to Med Star Hospital, *Rohtak*, where due to the severity of the injuries, a part of his crushed right foot had to be amputated. The appellant has sought compensation under Section 16 of the Railway Claims Tribunal Act, 1987 for the injuries suffered by him in the said alleged untoward incident.

4. The Tribunal dismissed the claim primarily on the ground that the appellant failed to establish his status as a bonafide passenger and that the injuries sustained by him were not the result of an untoward incident.

5. Learned counsel for the appellant assailed the findings of the Tribunal by contending that the claim was dismissed primarily on the alleged absence of a journey ticket and speculative inferences drawn from the medical and documentary evidence. Learned counsel further submitted that the appellant had sufficiently discharged the initial burden of proving that he was a bonafide passenger, and that the evidence on record clearly establishes the sequence of events and shows that the injuries sustained by the appellant were the direct result of an accidental fall from the train.

6. *Per contra*, learned counsel for the respondent defended the impugned judgment by submitting that the Tribunal correctly held that the Appellant failed to establish the occurrence of an untoward incident. It was contended that there were no eyewitnesses to the alleged fall, and no valid ticket found. Learned counsel further submitted that injuries suffered by the applicant were result of his own negligence, as he was standing at the door of a



moving train.

7. I have heard the learned counsels for the parties and perused the material on record.

8. The appellant, examined as AW-1, stated in his evidence by way of affidavit that he is a Government servant working as a Constable in the RPF. On 09.06.2024, while performing his duty at the *Old Delhi* Railway Police Post, he came to *Kishan Ganj* Railway Station, where he purchased a valid railway ticket for Rs.10/- and boarded Train No. 04432. He deposed that there was a heavy rush inside the compartment, due to which he was compelled to stand near the gate. He further stated that when the train was about to reach *Pulbangash*, Delhi, he accidentally fell down from the running train and sustained serious and grievous injuries, besides the amputation of one foot. He further deposed that immediately after the accident, he was removed to LNJP Hospital, where his MLC was prepared, and thereafter he underwent further treatment at Medstar Hospital, *Rohtak*. The appellant asserted that the said incident was a direct result of an “untoward incident

9. It is further noted that GD No. 0031A was recorded on 23.09.2024 at 03:25 PM. It reflects that upon receipt of DD No. 21A dated 09.06.2024, the police official reached *Hindu Rao* Hospital (Injuries Department), where MLC No. 116339253 was obtained. On 23.09.2024, the appellant, presented himself at the police station. He stated that while alighting from a train, his foot slipped and he fell from the train, resulting in injuries to his right leg. He further stated that he was admitted to *Hindu Rao* Hospital by ASI *Pawan* of the RPF. He further submitted that he was dissatisfied with the treatment provided at the said hospital and, considering the welfare of his family,



proceeded to Medstar Hospital, *Rohtak*, where he got himself treated.

10. The MLC No. 116339253 of the appellant records an alleged history of trauma to the right foot caused by a train on 09.06.2024 at the railway track near *Pulbangash*. It further notes that the appellant sustained crush injuries to the right foot, along with spinal swelling and tenderness, and abrasions over the left foot.

11. The *Naqal Roznamcha* records that information was received on 09.06.2024 at around 10:00 regarding the appellant-CT Mandeep Kumar, having fallen from a train and sustaining injuries on his foot. It further records that the appellant suffered the said injuries due to the fall from the train and was admitted to LNJP Hospital for medical treatment.

12. The DRM Report records that while the appellant was travelling from Delhi Kishanganj to Delhi Junction via the Resub Post, Delhi Main, and was standing near the gate of the compartment during the course of travel for duty, he fell near *Pulbangash* between Km Nos. 02/6A and 02/08, and was struck by the train, resulting in injury to the toe of his right foot.

13. In the present case, the appellant, in his affidavit has reiterated factual narrative surrounding the incident. It was contended that the appellant was travelling in the train and that his injury was caused due to a fall therefrom. This version is duly corroborated by contemporaneous documentary evidence, including the MLC, the *Naqal Roznamcha*, and the DRM Report, all of which consistently record that the appellant, while travelling in a train, fell and sustained injuries to his foot. These records conclusively establish the occurrence of the accident, its time and place, and the direct causal nexus between the fall from the train and the injuries sustained by the appellant. The occurrence, therefore, answers the description of an “untoward



incident” within the meaning of Section 123(c)(2) of the Act.

In such circumstances, the initial burden upon the appellant stood discharged, whereupon the onus shifted to the Railways to rebut the presumption of bona fide travel, which, according to the appellant, was not discharged. The Hon’ble Supreme Court reiterated the said principle qua initial burden and bona fide nature of the passenger, in Rajni v. Union of India¹ while following the precedent previously set by its decisions in Doli Rani Saha v. Union of India², and Union of India v. Rina Devi³.

14. The Tribunal gravely erred in treating the act of standing near the gate of a crowded compartment as a “self-inflicted injury”. Standing near the gate due to heavy overcrowding is neither a voluntary nor a deliberate act, but a compulsion arising out of circumstances beyond the control of the passenger. Such conduct cannot, by any stretch of reasoning, be equated with intentional self-harm or negligence so as to fall within the exceptions carved out under Section 124A of the Railways Act.

15. It is trite law that the Act is a beneficial piece of legislation and should receive a liberal interpretation. Liability under Section 124A has been held to be strict and, as stated in Union of India Vs. Prabhakaran Vijaya Kumar and Ors.⁴, contributory negligence on the part of the injured is not an acceptable defence.

16. On an overall conspectus of the facts and the law as referred to above, this Court is of the considered view that the Tribunal fell into error in dismissing the appellant’s claim. The findings of the Tribunal are not

¹ (2025) SCC OnLine SC 2182

² (2024) 9 SCC 656

³ (2019) 3 SCC 572

⁴ (2008) 9 SCC 527



adequately supported by the evidence on record, and the respondent has failed to discharge its burden of proving that the injured committed an act that falls within the strict exceptions provided under the Act. Accordingly, the impugned judgment is set aside.

17. Taking note of the nature and gravity of the injuries sustained by the appellant, namely, amputation of part of the right foot , and having regard to Part III, Entry (28) of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, the appellant is held entitled to compensation amounting to Rs.1,60,000/- alongwith interest @ 12 % per annum from the date of the accident, i.e. 09.06.2024, till the date of realisation.

18 The respondent is directed to pay the aforesaid amount to the appellant within a period of 4 weeks from today.

19. The present appeal is allowed and disposed of in the above terms.

MANOJ KUMAR OHRI, J

FEBRUARY 4, 2026/rd