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

+ **FAO 203/2018**

ANJU & ORS

.....Appellants

Through: Mr. Rohit Nagar, Advocate

versus

UNION OF INDIA

.....Respondent

Through: Ms. Nidhi Banga, Senior Panel
Counsel (through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

10.03.2026

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1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the impugned judgment dated 02.02.2018 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in OA (IIU) No. 40/2017 titled “Anju & Ors. v. Union of India”, whereby the claim application filed by the appellants came to be dismissed.

2. Briefly stated, the claim application came to be filed in the context of the death of one *Govind*. It was claimed that the deceased had undertaken a journey on 11.03.2016 from *Ghaziabad* to *Nangloi* after purchasing a valid journey ticket and fell near *Sahibabad* due to a sudden jerk in the train. He was taken to the hospital, where he was declared brought dead.

3. Learned counsel for the appellants contends that the Tribunal erred in disbelieving the claim on mere surmises and conjectures. The Tribunal



relied on an earlier statement given by the father of the deceased, wherein he had expressed doubts regarding the intentions of the daughter-in-law, i.e., the wife of the deceased. Learned counsel submits that the journey ticket was recovered during *jamatalashi* and that the same pertains to the deceased's travel from *Ghaziabad* to *Nangloi*. He submits that the Tribunal further erred in doubting the averments made in the claim petition and in observing that the incident causing the death did not constitute an untoward incident merely because the body was discovered at about 10:30 AM.

4. Learned counsel for the respondent, on the other hand, has opposed the contentions. She contends that the body was discovered on a busy railway line and that, the journey being less than 100 km, the journey ticket was valid only for three hours. She submits that it has come on record that the journey ticket was purchased at about 03:46 hours, which was an unearthly hour to undertake such a journey. Further, the father of the deceased had also apprehended the incident to be a case of murder. She further submits that it has come on record that the name of one "*Amit Singh*" was found inked on the right-hand wrist of the deceased, whereas the claim was filed in the context of the death of one *Govind*.

5. On a perusal of the record, it is revealed that the first information of the incident was recorded by the Station Master, *Sahibabad* Station on 11.03.2016, wherein it was noted that a gateman, namely *Vijay Pal*, had informed that a dead body had been found on the *Ghaziabad-Sahibabad* line at about Km. 14/05 on the main line, and the time of the incident was stated to be 8:55 AM. Further, the statement of one *Abhishek Singh*, an RPF Constable, was recorded, who stated that on the day of the incident he, along with *ASI Suresh Chand*, reached the spot at about 9:10 AM in connection



with DD No. 10, where the body of the injured was found at Km. 14/6-8 on the 4th line. From the person of the deceased, one journey ticket bearing No. G89350071 for travel from *Ghaziabad* to *Nangloi*, issued at 03:46 hours on 11.03.2016, was also recovered from the body of the deceased. Even in the *panchnama*, the body of the deceased is stated to have been recovered at about 8:55 AM.

6. The Tribunal has primarily disbelieved the claimed averments on two grounds. Firstly, that the journey was undertaken at an odd hour and, secondly, that the body of the deceased was discovered after a long gap. The Tribunal had also referred to the earlier statement of the father of the deceased, wherein he had apprehended the incident to be a case of murder, citing the reason that the relations between the deceased and his wife were not cordial.

7. In the considered opinion of this Court, both the grounds are speculative and presumptuous. It has come on record in the cross-examination of the claimant that the deceased was employed at *Nangloi* as a guard with a security company.

8. Concededly, the body of the deceased was found on the railway track pertaining to the journey undertaken by him, and the deceased had purchased a valid journey ticket which stood verified. Merely because the body was discovered after a gap of about five hours cannot be a reason to discard the claim. In this regard, gainful reference may be made to the decisions in *Union of India v. Prabhakaran Vijaya Kumar*¹, and in *Union of India v. Rina Devi*², wherein the Supreme Court observed that once the

¹ (2008) 9 SCC 527

² (2019) 3 SCC 572



claimant establishes that the victim was a *bona fide* passenger, the claim cannot be rejected on mere conjectures and the burden shifts upon the Railways to establish any statutory exception.

Though learned counsel for the respondent has sought to raise doubts regarding the identity of the deceased, a perusal of the record reveals that no such question was put to the claimant during her cross-examination, she being the best person who could have answered the same. Since this contention was not raised before the Tribunal, it is devoid of merit and is accordingly rejected.

9. Having held that a valid journey ticket was recovered and that the body of the deceased was found on the railway track, this Court has no hesitation in setting aside the decision rendered by the Tribunal and allowing the challenge to the impugned order. The matter is remanded back to the Tribunal, which is requested to assess the amount of compensation and direct the authorities concerned to disburse the same within four weeks from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 19.03.2026.

10. A copy of this order be communicated to the concerned Tribunal.

MANOJ KUMAR OHRI, J

MARCH 10, 2026

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