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

% Reserved on : 28.09.2026
Pronounced on : 03.11.2026
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 # CNR No. DLHC015205722017

+ FAO 505/2017

MANJU LATA VERMA & ANR .....Appellants

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

versus

UNION OF INDIA .....Respondent

Through: Mr. Saurav Kansal, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 22.03.2017 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/18/2016, whereby the claim petition filed by the appellants seeking compensation on account of the death of one*Shri Vijay Kumar Verma*(hereinafter referred to as the "deceased") came to be dismissed.

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2. The deceasedwas travelling on 19.08.2015 from Old *Delhi* Railway Station towards *Ghaziabad* by the *Sealdah* Express. The case of the appellants was that the deceased was a daily passenger and held a Monthly Season Ticket (MST) bearing No.1230BA022C, Ticket No.88021779, for travel between *Meerut* City and *Delhi* and vice versa. The ticket was valid up to 12.09.2015. It was stated that, on the date of the incident, the deceased was returning from work and, as there was no train available for *Ghaziabad* at that time, he boarded the *Sealdah* Express to reach *Ghaziabad*, from where he intended to take another train for *Meerut*. Owing to heavy rush in the general compartment, he was standing near the gate. When the train reached *Shahdara* Railway Station, he fell from the moving train and sustained grievous injuries. He was initially taken to GTB Hospital and thereafter shifted to *Batra* Hospital, where he succumbed to his injuries on 25.08.2015.

3. The Tribunal, *vide* the impugned judgment, accepted that the occurrence constituted an "untoward incident" and that the appellants were dependants of the deceased within the meaning of Section 123(b) of the Railways Act, 1989 (hereinafter referred to as the "Act"). The claim was, however, dismissed on the ground that the deceased was not a *bona fide* passenger, as the MST produced by the appellants was not valid for travel in the *Sealdah* Express, being a Superfast train.

4. Learned counsel for the appellants submitted that the learned Tribunal failed to consider that the deceased was holding

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a valid MST on the date of the incident. It was contended that the mere fact that he had boarded a Superfast train could not, without examining the applicable railway instructions, lead to the conclusion that he was not a *bona fide* passenger. Reliance was placed upon "*Prabhu Dayal v. Union of India*"[1] and "*Shameemunissa v. Union of India*".[2]

5. Learned counsel appearing on behalf of the respondent/Railways, while supporting the impugned judgment, contended that the deceased was not a *bona fide* passenger of the *Sealdah* Express. It was submitted that the Monthly Season Ticket relied upon by the appellants was valid for travel between *Meerut* City and *Delhi* and could ordinarily be used for passenger trains. However, the same did not, by itself, entitle the deceased to travel in a Superfast train.Learned counsel submitted that the Tribunal had rightly appreciated the material on record and that no interference with the impugned judgment was warranted.

6. I have heard learned counsel for the parties and perused the record. The controversy in the present appeal is confined to the finding that the deceased was not a *bona fide* passenger. The findings returned by the Tribunal that the occurrence constituted an "untoward incident" and that the appellants are dependants of the deceased are not under challenge and do not call for reconsideration.

[1]FAO 174/2009
[2]CMA No.679/2010, decided by the Madras High Court on 09.01.2014.

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7. Notably, the MST placed on record is a material circumstance which could not have been overlooked. The DRM report itself records that MST No.88021779 was recovered from the deceased and that its validity was verified through the Booking Office, *Meerut*. The verification confirmed that the MST was valid up to 12.09.2015 and covered the route between *Meerut* City and *Delhi*. Thus, the existence and validity of the MST on the date of the incident stand duly established. The deceased was not a person found travelling without any travel authority rather he was in possession of a season ticket valid for the route on which he ordinarily travelled.

8. The fact that the deceased was travelling in the *Sealdah* Express, a Superfast train, nevertheless required consideration in the light of the applicable railway instructions. In this regard, Clause 242.1(iv) of the Indian Railway Conference Association (IRCA) Coaching Tariff, Part I, Volume I, provides that monthly tickets are valid for travel by Passenger trains and, in the case of Mail/Express/Superfast trains, only in those trains in which such travel has been specifically permitted by the Railway Administration. Further, Clause 242.1(vi) provides that, wherever such travel is permitted, season-ticket holders may travel in the unreserved coaches of Superfast trains upon purchasing the prescribed Superfast surcharge ticket in advance. The said clause also stipulates that the surcharge is not leviable on season-ticket holders travelling by Superfast trains whose total journey, from the originating station to the destination station, is

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less than 325 kilometres. Paragraph 265(a) of the Indian Railway Commercial Manual, Volume I, further provides for the notification of the rules and conditions governing the issue of season tickets by the respective Railway Administrations. It is, therefore, necessary to examine not merely the category of the train but also whether travel by season-ticket holders was specifically permitted in the train in question and whether the surcharge requirement was attracted.

9. This aspect assumes significance in view of the order dated 01.02.2017 passed by the Tribunal itself. By the said order, the respondent was specifically directed to clarify whether an MST issued for travel between two stations in a passenger train could be used for travel in another category of train on payment of additional charges and whether such a journey could be undertaken with an MST. The respondent had filed the DRM reportand did not lead any further evidence. A perusal of the report shows that it contains the inquiry conducted by the RPF, the statements recorded during the inquiry and the verification of the MST. However, it does not contain any instruction or circular showing whether MST holders were permitted to travel in the unreserved coaches of the *Sealdah* Express or whether such travel was specifically prohibited. No such material has been pointed out from the record.

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10. In "*Union of India v. Rina Devi*"[3], the Supreme Court held that the initial burden on a claimant to establish that the deceased was a *bona fide* passenger is not onerous and may be discharged by placing relevant facts and circumstances on record. Once such material is produced, the burden shifts to the Railways to rebut the claim by cogent evidence. In the present case, the appellants produced the MST, and its validity was independently verified by the Railways during the inquiry. The respondent was also specifically called upon by the Tribunal to clarify the conditions governing travel by an MST holder in another category of train. However, the relevant instructions governing the *Sealdah* Express were not produced.

11. The decision of this Court in "*Reshma &Ors. v. Union of India*"[4], is also relevant. The Court, while examining the question of *bona fide* passenger status in the context of a valid season ticket and travel in a Superfast train, emphasised the need to consider the applicable railway instructions and the material placed by the Railways before denying the claim.

12. The deceased was found carrying a valid MST, the validity of which was verified by the Railways themselves. The respondent did not place on record the relevant instructions to establish that travel by an MST holder in the unreserved coach of the *Sealdah* Express was not permitted. Nor could the absence of a separate surcharge ticket, by itself, conclude the issue without

[3](2019) 3 SCC 572
[4]FAO 224/2019, decided on 28.11.2023

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first establishing the applicability of the permission and surcharge provisions to the train in question. The Tribunal, therefore, erred in rejecting the claim on the ground that the deceased was not a *bona fide* passenger.

13. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 01.12.2026.

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

15. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 03, 2026
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