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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-703-2021 (O&M)
Date of decision : 19.09.2025**

RAJENDRA SHAH AND ANR

....Appellants

Versus

UNION OF INDIA

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ujval Mittal, Advocate
for the appellants.

Mr. N.K. Vashist, Sr. Panel Counsel, UOI.

PANKAJ JAIN, J. (ORAL)

Challenge is to the award dated 21.08.2020 passed by RCT, Chandigarh Bench, Chandigarh whereby claim petition filed by the claimant/appellants seeking compensation on account of death of Raju Kumar son of the appellants in an untoward incident while travelling as a *bona fide* passenger with the railways from Moradabad Railway Station to Ludhiana, stands dismissed.

2. As per the claimants, deceased Raju Kumar boarded passenger train from Moradabad for Ludhiana on the intervening night of 20/21.03.2018 after purchasing a valid ticket. While train was passing through KM No.275/3-4 between Shambhu and Ambala City Railway Station, the



deceased accidentally fell down from the running train. He sustained grievous injuries which led to his death on the spot. On receiving information from the Railway Authorities, the claimants reached Civil Hospital, Rajpura and identified the body. During physical search of the deceased, Railway Journey Ticket, dated 20.03.2018 was recovered by GRP. The claimants accordingly, sought compensation from the respondents on account of death of the deceased in an untoward incident.

3. The claim petition was contested by the respondents. Respondents denied that the deceased was travelling as a *bona fide* passenger or that he died in an untoward incident. The respondents asserted that as per DRM's report, the dead body of the deceased was found outside the Down line. While the deceased, as per the claim petition, is claimed to have been travelling in Up direction. As per Form No.25.35 i.e. the death report submitted by the railway authorities, nothing was found near the dead body of the deceased. Thus, the reliance upon the railway ticket, by the claimants, is not free from suspicion.

4. On the basis of pleadings of the parties, following issues were framed:

1. Whether the deceased was a bonafide passenger of train at the time of incident?
2. Whether the alleged incident is covered within the ambit of Section 123(c)(2) read with section 124-A of the Railways Act, 1989?



3. Whether the applicants were the sole dependents of the deceased?
4. Relief.”

5. While answering Issue No.1, Tribunal relied upon testimony of Kaka Gir, ASI/GRP Patiala, who was summoned as Court Witness by the Tribunal. Relying upon his admission that in Column No.15 of the Inquest Report he mentioned ‘nil’ and form No.25.35 also mentions that nothing was recovered around the dead body, Tribunal answered Issue No.1 against the claimants holding that the deceased was not a *bona fide* passenger.

6. Deciding Issue No.2, Tribunal found that it is highly improbable that a person who accidentally falls from the train, shall land 15 ft. Outside the parallel track. Thus, rejecting the claim of the claimants, the Tribunal found that neither the deceased was a *bona fide* passenger nor was a victim of an untoward incident and dismissed the claim application.

7. Counsel for the appellants has assailed the findings recorded by the Tribunal. He refers to Inquest Report No.25, dated 22.03.2018 which is part of the record and has been proved by Kaka Gir, ASI. He refers to Column No.17 wherein answer to recovery of the ticket from the deceased has been given in affirmative. Counsel further refers to the recovery memo/seizure memo attached to the Inquest Report, to submit that the ticket was appended along with the Inquest Report. *Jamatalashi* has also been placed on record as Annexure A-6.



7.1. Counsel for the appellants has further drawn attention of this Court to Form No.25.35 i.e. death report, to submit that Column No.15 relates to the articles recovered from around the dead body and not from the body. He submits that the Tribunal has completely misread Form No.25.35 to hold that Column No.15 is meant for ticket which is patently erroneous. He further submits that in a case of fall from the running train, it is not always that one dies the moment he falls. Many a time, a person after falling from a running train, tries to move in an injured condition. Thus, discovery of a dead body 15 ft. away from the Up-line cannot be considered unusual. Further reliance is being placed upon ratio of law laid down by Supreme Court in the case of **Union of India vs. Rina Devi, (2019) 3 SCC 572** to submit that there being no evidence to suggest any intention on part of the deceased to suffer self-inflicted injuries, Tribunal erred in deciding Issue No.2. The dead body having been recovered from around the track, from where the train in which the deceased was travelling passed, the untoward incident stands proved in terms of Section 123(c) read with Section 124A of the Railways Act.

8. Per contra, counsel for the respondent/UOI submits that the conduct of Kaka Gir, ASI was under suspicion. Tribunal rightly summoned him as a Court Witness. He admitted of having authored Forum No.25.35. Column No.22 specifically dealt with the articles found from the body of the



deceased. Kaka Gir mentioned 'nil' against the same. In these circumstances, the Tribunal has rightly held the deceased not to be a *bona fide* passenger.

9. I have heard counsel for the parties and have gone through records of the case.

10. From the records, it is evident that in the Inquest Report No.25 dated 22.03.2018, Railway Authorities themselves in Column No. 17 noted that the ticket was recovered from the passenger. Along with the Inquest Report, seizure memo was appended wherein railway ticket from Moradabad to Ludhiana along with number thereof finds mention. The aforesaid documentary evidence that too coming from the records of the Railway Authorities, cannot be ignored merely for the reason that in the death report the same official in Column No.22 thereof noted that nothing was found from the body. Ticket is part of the inquiry/investigation conducted by the Railway Authorities. The evidence w.r.t. seizure thereof from the body of the deceased has gone unrebutted. In view thereof, this Court finds that the Tribunal erred in law in ignoring the documentary evidence in form of Inquest Report and the ticket itself, to hold that the deceased was not a *bona fide* passenger. The finding cannot be sustained and is hereby ordered to be reversed.

11. Coming on to the issue w.r.t. untoward incident, Counsel for the appellants is right in contending that in each and every case relating to fall from the train, death is not sudden. It having been proved on record that the



body of the deceased was recovered from near the railway track and in background of the fact that he has been found to be a *bona fide* passenger, this Court finds that the findings recorded by Tribunal regarding untoward incident, cannot be sustained. The finding recorded is in teeth of ratio of following observation made by Supreme Court in *Rina Devi's* case (supra) :

“17.4 We thus hold that mere presence of a body on the Railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.”

12. In view of discussion held herein above, this Court finds that the findings recorded by the Tribunal on both the issues being unsustainable, need to be reversed. Resultantly, the appeal is allowed.

Relief:

13. The incident is of the year 2018 i.e. after the amendment in the Scheduled appended to the Railway Accident and Untoward Incident (Compensation) Rules, 1990. Accordingly, the claimants shall be entitled



for Rs.8.00 lacs along with interest @ 7% per annum from the date of accident till the date of actual realization.

14. 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 accounts. 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.

15. Pending application, if any, shall also stands disposed off.

September 19, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No