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

FAO-2384-2023

Date of decision : 08.08.2025

SHINDER KAUR AND ORS.

....Appellants

Versus

UNION OF INDIA

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Narender Kaajla, Advocate
for the appellants.

Mr. Ramesh Chand Sharma, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal aggrieved of the award passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

2. Claimants filed application seeking compensation on account of death of Gurmail Singh in an untoward incident dated 08.12.2019 while travelling by train as *bona fide* passenger.

3. As per claimants, the deceased used to work as Carpenter at Budhlada. On 07.12.2019 at about 3.00 P.M., he borrowed Rs.2,000/- from his wife and informed her that he was going to Tohana by train and will be back on 08.12.2019 early morning. On 08.12.2019 when deceased did not reach home till 10.00 A.M., his son i.e. claimant No.2 made a call on his mobile which was picked by GRP Jakhal. The family was informed about



the untoward incident and asked to reach on spot. As per the claimants, deceased boarded Jind-Firozpur passenger train and was holding a valid ticket purchased by his distant relative Devinder Singh, resident of Tohana. It was claimed that he stayed on the intervening night of 7th /8th December, 2019 at Devinder Singh's place only.

4. Claim petition was contested by the defendants denying that the deceased was a *bona fide* passenger or died in an untoward incident.

5. The Tribunal after analysing the evidence, concluded that thought the claimants have pleaded that deceased was travelling from Tohana to Budhlada by Jind-Firozpur passenger train with a valid journey ticket, but AW-1 his widow claimed that incident occurred on 07.12.2019 while her husband was travelling from Budhlada to Tohana. The Tribunal found that the conduct of witness AW-2 Devinder Singh was also unnatural. Though, it is claimed that the deceased stayed at his place on the night of 7th of December, 2019 but in his cross-examination, he stated that he came to know about the incident and the death of deceased 3-4 months later. The Tribunal further noticed the conduct of Devinder Singh which exhibits falsity of his testimony, as under:

“Further, this witness (AW-2) states that he got boarded the deceased in the Jind - Firozpur passenger train on 8.12.2019. However, the evidence on record from the side of the respondent-railway in the shape of TSR, goes to prove that the said train Jind - Firozpur No. 54045 had passed from railway station Tohana at 5.45 a.m. from platform no. 1 whereas the dead body of the deceased was found lying at the end of platforms no. 2 and 3 towards Delhi side around 10.00 a.m. and the station memo was



issued by the Station Master, Jakhhal railway station at 10.15 a.m. (In the written statement, it has been erroneously mentioned that train No. 54045 passed much later than the timing of issue of station memo). This fact, in itself, falsifies the case of the applicants and the testimony of AW-2 that he got boarded the deceased in the said train from Tohana to Budhladha. It is important to note here that had the incident of fall of deceased from the train No. 15045, as alleged, taken place on 8.12.2019, the same would have come to the notice of the guard or driver of the said train or the guard or driver of train No. 16032 which arrived at railway station Tohana at 8.23 hours and departed for its onward journey at 9.13 hours. However, the loco pilot and guard of the said train also, in their statements recorded during the course of DRM's inquiry, have denied occurrence of any such incident with their train on 8.12.2019 on or near Jakhhal railway station. They have further stated therein that they did not notice or receive any information about any such incident from the passengers also. This train had passed from platform no. 3 of railway station Tohana on 8.12.2019.”

6. In view of above, this Court finds that the testimony of Devinder Singh having been found to be untrustworthy and AW-1 the widow of deceased Gurmail Singh having not supported the pleadings, Tribunal rightly non-suited the claimants.

7. Resultantly, finding no merit in the instant appeal, the same is ordered to be dismissed.

August 08, 2025

Dpr

**(Pankaj Jain)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No