

**BEFORE THE RAILWAY CLAIMS TRIBUNAL,
AMARAVATI BENCH, GUNTUR**

CORAM:

Dr. R. SATHYABAMA, HON'BLE JUDICIAL MEMBER

Claim Application : OA II (u) 13/2022
Date of filing : 27.01.2022
Date of decision : 04.08.2025

Applicants:

1. Pujari Muragesh @ P.Muruges, S/o. P.Arunachalam, Aged 50 Yrs, Occ: Coolie.
2. Pujari Manjulamma @ P.Manjulamma, W/o. P.Muruges, Aged 46 Yrs, Occ: House wife.

Both are R/o. Melumoy,
Gangavaram, Chittoor District,
Andhra Pradesh.
PIN – 517 408.

Versus

Respondent:

Union of India rep. by
its General Manager,
South Western Railway, Hubli.

Claim for Rs.8,00,000/- (With interest)

Ld. Counsel for Applicants - Sri N.P.Rao
Ld. Counsel for Respondent - Smt B.Usharani, CLA

JUDGEMENT

1. Parents of the deceased filed this claim application under Section 16 of RCT Act, 1987 read with Sections 124-A and 125 of Indian Railways Act, 1989 seeking compensation to the tune of Rs.8,00,000/- with interest from Respondent Railway, for the death of P.Rohith Babu @ Rahith, S/o. Pujari Muragesh @ P.Muruges (hereinafter referred to as "the deceased") who died allegedly in an untoward incident of accidental fall from the train carrying passengers that occurred on 23.10.2021.

2. As mentioned in the OA, the deceased was a native of Gangavaram Village of Melumoy, Chittoor District and he was doing Engineering course and pursuing final year at NBKR Engineering College, Vidyanagar, Naidupet, Nellore District and he was staying in a hostel. By informing his father in the evening hours of 22.10.2021 over phone that he will be going to Tirupati and from there to Kuppam to obtain his college record from his Polytechnic College. Later by informing his hostel friend, the deceased went to Tirupati Railway Station in the same day night hours of 22.10.2021 and purchased ticket for his journey from Tirupati to Kuppam. He boarded in the general compartment of Tr No. 16220 Tirupati – Chamarajnagar Express and informed the same to his father and his friend in the hostel over phone.

During the course of his travel due to heavy rush of passengers, he accidentally slipped and fell down from the said running train at KM No. 239/800-900 in between Mullanuru and Kuppam Railway Stations due to speed and jerks of the train. Thereby he sustained severe head injury and other multiple severe fatal injuries and died on the spot in the early hours of 23.10.2021. It has been further submitted in the OA that the ticket was lost in the incident and moreover, he was dragged for a distance of 22 sleepers.

3. Respondent appeared and filed Written Statement and denied its liability and further submitted that there is no cause of action for Applicants as the claim does not fall within the ambit of Section 124-A (b) of the Railways Act, 1989. Respondent disputed the veracity of all the documents filed by the applicants. It is further submitted that there was no eye witness to the incident and no ACP reported, moreover none of the passengers or Railway staff have reported any such incident. At the time of inquest, no train journey ticket was recovered from the possession of the deceased, as such the deceased was not a Bonafide passenger, hence petitioners are not eligible for any compensation from Railways under Section 124A of the Railways Act. Thus, Respondent prayed this Hon'ble Tribunal be pleased to dismiss the application with costs in the interest of justice.



4. From the above pleadings, following issues were framed.

- 1) *Whether the deceased was a bonafide passenger of the train in question and died as a result of an untoward incident?*
- 2) *Whether the Applicant(s) is/are dependent(s) of the deceased?*
- 3) *Whether the Applicant(s) is/are entitled to the compensation as claimed*
- 4) *To what relief?*

5. In support of their claim, father of the deceased filed his affidavit as AW.1 and documents filed by the applicants are marked as under:

- | | | |
|---|---|----------|
| 1) Attested copy of FIR | - | Ext.A.1. |
| 2) Attested copy of Inquest Report | - | Ext.A.2. |
| 3) Attested copy of Post Mortem Certificate | - | Ext.A.3. |
| 4) Death Certificate | - | Ext.A.4. |
| 5) Photocopy of Aadhaar Card of the deceased | - | Ext.A.5. |
| 6) Photocopy of Aadhar Card of Applicant No.1 | - | Ext.A.6. |
| 7) Photocopy of Aadhar Card of Applicant No.2 | - | Ext.A.7. |
| 8) Family Member Certificate | - | Ext.A.8. |
| 9) SSC Certificate of the deceased | - | Ext.A.9. |

In support of their case, Counsel for Applicants filed citations of various High Courts viz.,

- R/First Appeal No. 1893/2024, between Union of India Vs. Pawar Shantaram Shivram & Another, pronounced by Hon'ble High court of Gujarat at Ahmedabad.
- MFA No. 139/2017, between Daisy Jacob & Others Vs. Union of India, Rep. by GM/S.Railway, Chennai, pronounced by Hon'ble High Court of Kerala at Ernakulam.
- CMA No. 1156/2019, between Gollapelli Sushila & Others Vs. Union of India, Rep. by GM/S.C.Railway, Secunderabad, pronounced by Hon'ble High Court of Telangana at Hyderabad.

6. Respondent Railway did not adduce any evidence on their behalf but submitted DRM report with a copy served to applicant side. This report is taken on record and marked as Ext.R-1.

7. Heard Counsel for Applicants and CLA for Respondent, perused the case file. On consideration of materials available on record and the contentions of both the parties, issue wise findings recorded are as under:

FINDINGS

Issue No.1: *Whether the deceased was a bonafide passenger of the train in question and died as a result of an untoward incident?*

8. It is the case of the applicants that in the evening hours of 22.10.2021, the deceased was traveling from Tirupati to Kuppam, by purchasing 2nd class ticket, he was travelling by Tr No. 16220 Tirupati – Chamarajnagar Exp. During the course of his journey, he accidentally fell down from the said running train at KM No. 239/800-900, in between Mullanuru and Kuppam Stations, thereby he sustained severe head injury apart from other injuries and he died in the early hours of 23.10.2021.

9. In the OA, applicants have mentioned that the journey ticket of the deceased was lost in the incident and moreover it has also been mentioned that he was dragged by train for a distance of 22 sleepers. Nothing has been mentioned about recovery of ticket in any of the records/statements collected in the statutory enquiry. In the statutory enquiry, it has been concluded that no journey ticket was recovered from the possession of the deceased at the time of inquest. The main contention of the Respondent Railway is that there was no eye witness to the incident and the deceased was not a Bonafide passenger as no Train Journey ticket was recovered from his possession. However, this Bench has carefully gone through the statements of parents of the deceased and apart from that father of the deceased appeared in person before this Tribunal on 24.04.2023 and he was cross examined by the Counsel for Respondent Railway. At the time of his cross examination, to a relevant question regarding recovery of ticket the reply of the witness reads as under:

"No ticket pertaining to the journey of my son was found but my son informed me that he purchased ticket for his journey. At the time of inquest we have informed the police that my son told me that he purchased ticket for his journey and travelling by train. I know the contents of the inquest but it is true that nothing has been mentioned about ticket in the inquest". Moreover, at the time of his cross examination to a suggestion given by the Respondent counsel the witness replied that "It is not true to suggest that my son did not purchase



any ticket and did not travel by any train". Further, at Col.20 of the Inquest report, it has been mentioned that body was dragged by the down line unknown train.

10. At this juncture, basing on the rival contentions, it is important to note that two interpretations can be drawn regarding of purchase of ticket by the deceased and the crux of the issue to be decided is that whether the deceased can be considered as a Bonafide passenger or not? However, basing on the settled principal of law as laid in the Union of India vs. Rina Devi, if two interpretations can be drawn, the interpretation that is beneficial to the applicants is to be taken into consideration. Accordingly, this Bench has believed that the deceased purchased ticket which was lost in the incident, for the reason that he was dragged by the train for a distance of 22 sleepers as such he can be considered as Bonafide passenger. Hence, this aspect of the issue is decided in favour of the applicants.

11. Regarding Untoward Incident, initially in this case, based on the information received from Sri Venkatesh Kumar.C/Gangman, SS/Mullanur sent a written complaint to GRP/Kuppam that lying of one male dead body aged about 30 Yrs was found by the side of the track at KM No. 239/900-240/000 on down line. GRP personnel visited the spot and GRP/Chittoor registered FIR No. 48/2021. Copy of the SS/Mullanur message is annexed to DRM report at Page No.16. During the course of statutory enquiry, the gangman was examined and his statement was recorded (annexed to DRM report at Page No.7). Besides, in the injuries marked on the PME are corroborating with the injuries observed at the time of Inquest (Ext.A-2). Apart from that in the conclusion of the Inquest report on observation of the injuries on the body of the deceased and other circumstantial evidence, they have arrived at a conclusion that the deceased accidentally fallen down from an unknown train and he died to severe injuries sustained by him in the incident. In the PME, the duty doctor who conducted the autopsy opined the cause of the death as *"Head Injury Leads to Axonal Injury and Bleeding causes Cardiorespiratory Arrest"*.

12. Even if it is presumed for the sake of arguments that deceased was negligent and careless while travelling, it would make no difference as held by Hon'ble Supreme Court in **Union of India Vs. Prabhakaran Vijaya Kumar and Others** {(2008) 4 MLJ 323 (SC)} wherein it has been stated that liability of the Railways is strict and it is irrelevant who was at fault. Similarly in **(Jameela & Others Vs. Union of India)** AIR 2010 SC 3705 the Hon'ble Supreme Court has laid down that even if it were to be assumed that a passenger fell down from the train due to his own negligence, it will not have any effect on the compensation payable under Section 124-A of Railways Act, 1989.

13. Under given circumstances, evidence placed on record and other circumstantial evidence, it would be appropriate to conclude that the deceased was a bonafide passenger and incident falls in the ambit of untoward incident under Section 123 (c) (2) of the Railways Act 1989. Accordingly, this issue is also answered in favour of the applicants.

14. In order to claim compensation from Respondent Railway in Railway Untoward Incident cases, two necessary ingredients must be proved under Section 123 (c) (2) of Railways Act, 1989 i.e., (i) Bona fide status of the passenger; and (ii) Untoward Incident. In the case on hand, both bona fide status and untoward incident are answered in favour of Applicants. To disprove the case of the applicants, Respondent have not produced any document or witness to say that the case falls under Clause 'a' to 'e' of proviso to Section 124A of the Railways Act 1989.

Issue No.2: *Whether the Applicants are dependants of the deceased?*

15. Originally this OA was filed by the parents of the deceased. To prove the claim and locus to file this OA, applicants produced Family Member Certificate (Ext.A-8) wherein names of the applicants, deceased and other children of Applicants can be seen. Further, they have filed photo copy of Aadhar cards of the Applicant Nos. 1 & 2 (Ext.A- 6 & 7) and Photocopy of the Aadhar card of the deceased (Ext.A-5). As there is no dispute/objection from Respondent Railway regarding interse relationship of the applicants and their relationship
OA II (u) 13 of 2022

with the deceased, this issue of dependency is decided in favour of the applicants.

ISSUE No. 3 & 4: *Whether the Applicant(s) is/are entitled to the compensation as claimed? and to what relief?*

16. In view of the findings on Issue Nos.1 & 2, the Applicants being parents of the deceased, are held entitled to receive compensation to the tune of Rs.8,00,000/- as prescribed under Part I of the Schedule appended to Rule 3 of "Railway Accidents and Untoward Incidents (Compensation) Amended Rules, 2016" along with interest @ 9% p.a. from the date of incident till the date of this order.

As a result, the case of Applicant is **allowed**.

ORDER

Claim is **allowed** without costs.

17. The Respondent is directed to pay the applicants a sum of Rs.800,000/- (Rupees Eight Lakhs only) along with interest @ 9% per annum from the date of incident till the date of this Order within 60 days from the date of submission of mandate form by the Applicants. The compensation amount is being disbursed to the applicants in the following manner –

Sl. No	Name of the Applicants	Relations hip with Deceased	Age in Years as per OA	Amount awarded (Rs.)	In cash (Rs.)	As Fixed Deposit/ Annuity (Rs.)
1.	Pujari Muragesh @ P.Murugesh	Father	50 Yrs	4,00,000/-	40,000	3,60,000/-
2.	Pujari Manujulamma @ P.Manjulamma	Mother	46 Yrs	4,00,000/-	40,000	3,60,000/-

Fixed Deposit portion shall be as per guidelines given below:-

Applicant Nos.1 & 2: Rs.3,60,000/- (Rupees three lakhs sixty thousand only) each shall be kept in Fixed Deposits of Rs.10,000/- each for a period of one month to 36 months in ascending order. The maturity amount of each FDR be credited in the Respective Savings Bank account of the Applicant Nos.1 & 2 near the place of their residence.

- (i) The entire accrued interest on the compensation amount shall be paid through ECS to the applicants in the same proportion as compensation awarded.
- (ii) Respondent is directed to pay the total amount within 60 days from the date of receipt of requisite mandate forms from Applicant, failing which the Applicant shall be entitled to interest @ 9.5% p.a. thereafter from the date of submission of mandate forms till the date of payment.
- (iii) The bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the claimant(s) i.e. the savings bank account(s) of the claimant(s) shall be an individual savings bank account(s) and not a joint account(s).
- (iv) The applicant(s) shall furnish details and documents such as Aadhar Card, PAN Card, any other appropriate ID card, two sets of photographs and their specimen signatures, bank pass book with endorsement that no cheque book/debit card is issued to the account holder along with mandate forms within 30 days from the date of receipt of this order.
- (v) The concerned Bank is also directed to accept form No.15G/15H, as the case may be, to ensure that whatever amount is taxable, appropriate steps has to be taken by the concerned bank before releasing the amount through ECS.
- (vi) Bank shall not create any charge, mortgage, or hypothecation on said amount.

- (vii) The original fixed deposit shall be retained by the concerned bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the applicants.
- (viii) No loan, advance, withdrawal or pre-mature discharge be allowed on the fixed deposits without permission of the Tribunal.
- (ix) Bank shall not create any charge, mortgage, or hypothecation on said amount.
- (x) The concerned bank shall not issue any cheque book and/or debit card to applicants. However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of award amount. The bank shall debit card(s) freeze the account of the applicant(s) so that no debit card be issued in respect of the account of the applicant(s) from any other branch of the bank.
- (xi) Railways as well as Applicant(s) are required to submit compliance report on the action taken in terms of above noted directions as early as possible and not beyond 90 days from the date of receipt of this order.

18. In the facts and circumstances of the case, there is no order as to costs.

19. The Registry is directed to send a free certified copy of this judgement directly to the applicants at their address mentioned in the claim application by Speed Post in compliance of Rule 34(3) of the Railway Claim Tribunal (Procedure) Rules, 1989.


(Dr. R. SATHYABAMA)
JUDICIAL MEMBER

13

O

APPENDIX

WITNESSES EXAMINED FOR APPLICANT:

- 1) AW.1 - Pujari Muragesh @ Murugesh.

DOCUMENTS MARKED FOR APPLICANTS:

- | | | |
|---|---|----------|
| 1) Attested copy of FIR | - | Ext.A.1. |
| 2) Attested copy of Inquest Report | - | Ext.A.2. |
| 3) Attested copy of Post Mortem Certificate | - | Ext.A.3. |
| 4) Death Certificate | - | Ext.A.4. |
| 5) Photocopy of Aadhaar Card of the deceased | - | Ext.A.5. |
| 6) Photocopy of Aadhar Card of Applicant No.1 | - | Ext.A.6. |
| 7) Photocopy of Aadhar Card of Applicant No.2 | - | Ext.A.7. |
| 8) Family Member Certificate | - | Ext.A.8. |
| 9) SSC Certificate of the deceased | - | Ext.A.9. |

WITNESSES EXAMINED FOR RESPONDENT: NIL

DOCUMENTS MARKED FOR RESPONDENT:

- 1) Ext.R.1 - Divisional Railway Manager's Report.

Rsath
4/8/25
(Dr. R. SATHYABAMA)
JUDICIAL MEMBER