

RAILWAY CLAIMS TRIBUNAL,
AMARAVATI BENCH, GUNTUR

CORAM

Ms. R. Sathyabama

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Hon'ble Member Judicial

OA II (u) 187/2019

Date of filing : 12.11.2019

Date of decision : 16.04.2024

Applicants :

1. Puchakatla Nagamuneiah @ Putchakatla Nagamunaiah,
S/o. Late Nagaiah, Aged 50 Yrs, Cultivation.
2. Puchakatla Nagamma, W/o. P.Nagamuneiah,
Aged 44 Yrs, House wife.

R/o Reddipalli Village, Atlur Mandal,
YSR Kadapa District. Cell No. 9014627625.

Versus

Respondents:

Union of India rep. by its General Manager,
South Central Railway, Secunderabad

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

Shri G.M.B.Murali Krishna -

Ld. Counsel for Applicants.

Shri B.B.Lakshamaiah -

Ld. Counsel for Respondent.

JUDGEMENT

1. This claim application is filed by Applicants under Section 16 of RCT Act, 1987 read with Section 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 Puchakatla Nagarjuna (hereinafter referred to as "the deceased") who allegedly died in an untoward incident of accidental fall from the train carrying passengers that occurred on 03.09.2019.

2. It is pleaded in the OA that the deceased was a resident of Reddipalli Village, Atlur mandal, YSR Kadapa district and he studied up to Diploma at Badvel town. On 03.09.2019, the deceased purchased general ticket for his journey from Kadapa to Renigunta. During the course of his journey, when the deceased went to wash basin

Renigunta. During the course of his journey, when the deceased went to wash basin or bath room or near door and hence reached door and fallen down from train at KM No. 246/7-8 in between Kanumalopalli and Bhakarapaet Railway stations. As a result of the fall from train, he sustained severe injuries and died on the spot.

3. Respondent Railway has filed written statement and denied its liability and submitted that there is no cause of action for applicants as the claim does not fall within the ambit of Section 123(C) or Section 124-A of Railways Act, 1989. Respondent submitted that there is no eye witness to prove that the deceased had travelled in any train and fell down accidentally from running train. Respondent further submitted that in the Joint Observation Report prepared by GRP & RPF, it has been opined that deceased committed Suicide on the basis of location of the body and there was no ACP to the train he travelled. Hence, this case is not fit for the claim of compensation and liable to be dismissed.

4. From the pleadings, following issues were framed on 10.08.2020:

1. Whether the applicants are dependants of the deceased?
2. Whether the deceased was a bonafide passenger of the train in question and died as a result of an untoward incident?
3. Whether the applicants are entitled to the compensation as claimed?
4. To what relief?

5. In support of the claim, Applicant No.1 (father of the deceased) filed his chief affidavit as AW.1 and he was cross-examined by the Counsel for Respondent. Applicants filed the following documents, which are marked and exhibited as under:-

- | | | |
|---|---|---------|
| 1) Attested copy of FIR | - | Ex.A.1. |
| 2) Attested copy of Inquest Report | - | Ex.A.2. |
| 3) Attested copy of PME Report | - | Ex.A.3. |
| 4) Original journey ticket | - | Ex.A.4. |
| 5) Final Report | - | Ex.A.5. |
| 6) Death Certificate | - | Ex.A.6. |
| 7) Family Member Certificate | - | Ex.A.7. |
| 8) Copy of Aadhaar card of Applicant No.1 | - | Ex.A.8. |
| 9) Copy of Aadhaar card of Applicant No.2 | - | Ex.A.9. |

6. Respondent has not examined any witnesses from their side. As a documentary proof, Respondent filed DRM Report which is marked as Ext.R.1.

7. Heard both sides Counsels and perused the case file. On consideration of materials available on record and the contentions of the Ld. Counsels appearing for both the parties, issues wise findings are recorded as follows:-

FINDINGS

Issue No.1: Whether the applicants are dependants of the deceased?

8. Originally this OA is filed by Parents of the deceased. To prove their relationship with the deceased, Applicants filed Family Member Certificate of the deceased (Ex.A.7) indicating the names of Applicant Nos.1 to 2 i.e., parents of the deceased. Applicants have also produced copies of Aadhaar cards of Applicant No.1 to 2 marked as Ex.A.8 to Ex.A.9. There is no objection from respondent side about inter-se relationship of the Applicants and their relation with the deceased. Further, the Respondent has not seriously disputed the issue and the Applicants being parents of the deceased held to be the dependents of the deceased as per Provision of Sec.123(b) of the Railways Act, 1989. Hence, issue No.1 is decided in favour of Applicants.

Issue No.2: Whether the deceased was a bonafide passenger of the train in question and died as a result of an untoward incident?

9. It is the case of the applicants that deceased was travelling from Kadapa to Renigunta, by purchasing 2nd class train journey ticket bearing No. UPD-12877920, valued Rs.55/-, issued at 10:09Hrs of 03.09.2019 at Kadapa Railway Station, which was marked as (Ext.A-4). In the DRM report it has been confirmed that the deceased was travelling with valid ticket i.e., with above mentioned details. Further, issuance of ticket has been confirmed by Chief Reservation Inspector (console), PRS- wing of Railway Administration. Moreover, in the CCTV footage of the kadapa station (photos annexed), he has been spotted at the booking counter and purchasing of ticket. Further in the inquest report, Joint observation report prepared by GRP & RPF and at Col.3(a) of Form-II regarding brief particulars of Untoward Incident, it has been categorically confirmed that the deceased was travelling with a valid ticket with above particulars. There is no serious dispute from respondent side for the ticket so produced by Applicant side. Hence, it is decided that the deceased

was a bonafide passenger and this part of the issue is decided in favour of the Applicants and against Respondent.

10. With regard to Untoward Incident, as per OA on 03.09.2019 deceased was travelling from Kadapa to Renigunta with a valid train journey ticket and during the course of his train journey, he accidentally fallen down from train and died at KM No.246/7-8. From the statement of Dy.SMR/Kadapa recorded by ASI/RPF, it has been revealed that initially body of the deceased was seen by the on duty keyman by the side of upline track. Immediately, he informed the same to Dy.SS/Kanomolapalli Railway station who inturn informed Dy.SMR/Kadapa. In the joint observation report it has been mentioned that body of the deceased was found lying in the middle of the up line track at KM No. 246/7-8 and in the same report at Col.2 against nature of the incident, it has been mentioned as "Suicidal". From the statement of father of the deceased annexed to the DRM report, it has been mentioned deceased was his 2nd son and he was pursuing B.Tech in Global Engineering College, Kadapa. He has further stated that he does not know from where to where his son was travelling and not aware by which train he was travelling and he came to know about the incident, only after GRP officials informed him. He has further submitted that there were no family disputes or any financial problems. It can be seen from the investigation report that place of incident is about 40 Kms away from the residence of the deceased. Inquest on the body was conducted at the mortuary of the RIMS/Kadapa and at the time of inquest from the money purse of the deceased along with ticket, 4 passport size photos, Aadhar card, Syndicate bank ATM card, Voter card and one touch screen mobile were recovered. On perusal of the documentary evidence, placed on record and after hearing the argument of Respondent, no concrete proof is noticed to conclude that the deceased committed suicide. There is no hard and fast rule to say that accident to be happened in such a way. Respondent has further argued that there was no eye witness to the incident. But coming back to conclusion of the Inquest report, Panchayatdars have opined that he has accidentally fallen down from the train in which he was travelling or due to some other reason. Further, the burden of proving that the deceased died on account of suicide is on the shoulders of the respondent which is not proved by them. Taking into consideration all the material evidence placed on record and arguments as advanced by both side

counsels and thorough discussion of the evidence, it can be safely concluded that the deceased died in an untoward incident and this part of the issue is decided in favour of the applicants and against respondent.

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

11. In the light of the findings on Issue Nos.1 & 2, the Applicants being parents of the deceased, are held entitled for the compensation of Rs.8,00,000/- (Rupees Eight Lakhs only) from Respondent along with interest at the rate of 9% per annum from the date of incident till realization.

12. In the result, the case of Applicants is liable to be allowed.

ORDER

Claim is **allowed** without costs.

13. The Respondent is directed to pay the Applicants a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) along with interest @ 9% per annum from the date of incident till realization within 60 days from the date of submission of mandate form by the Applicants. Applicants are parents of the deceased, hence ratio of compensation amount is being disbursed in the following manner –

- (i) **Applicant Nos.1 & 2:** A sum of Rs.4,00,000/- (Rupees Four Lakhs only) each is awarded to Applicant No.1 and Applicant No.2. Out of said amount, a sum of Rs.40,000/- (Rupees Forty Thousand only) each shall be released in their favour through Electronic Clearance System (ECS) and remaining amount Rs.3,60,000/- (Rupees Three Lakhs Sixty Thousand only) each shall be kept in 36 fixed deposits of Rs.10,000/- each respectively for a period of one month to 36 months, with cumulative interest. The maturity amounts of the FDR(s) be credited through ECS in the respective savings bank accounts of Applicant Nos.1 & 2, near the place of their residence.
- (ii) The entire accrued interest on the compensation amount of Rs.8,00,000/- from the date of incident till the realization shall be disbursed in proportion to the awarded amount and the same may be paid through ECS to Applicants.

- (iii) Respondent is directed to pay the total amount within 60 days from the date of receipt of requisite mandate forms from Applicants, failing which the Applicants shall be entitled to interest @ 9.5% p.a. thereafter from the date of submission of mandate forms till the date of payment.
- (iv) 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).
- (v) 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.
- (vi) 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.
- (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) 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.
- (x) Bank shall not create any charge, mortgage, or hypothecation on said amount.

(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.

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

15. 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.

R. Sathyabama
16/4/24
(R. Sathyabama)
Judicial Member

APPENDIX

WITNESSES EXAMINED FOR APPLICANT:

1. AW.1 - Puchakatla Nagamuneiah @ Putchakatla Nagamunaiah.

DOCUMENTS MARKED FOR APPLICANTS:

- | | | |
|---|---|---------|
| 1) Attested copy of FIR | - | Ex.A.1. |
| 2) Attested copy of Inquest Report | - | Ex.A.2. |
| 3) Attested copy of PME Report | - | Ex.A.3. |
| 4) Original journey ticket | - | Ex.A.4. |
| 5) Final Report | - | Ex.A.5. |
| 6) Death Certificate | - | Ex.A.6. |
| 7) Family Member Certificate | - | Ex.A.7. |
| 8) Copy of Aadhaar card of Applicant No.1 | - | Ex.A.8. |
| 9) Copy of Aadhaar card of Applicant No.2 | - | Ex.A.9. |

WITNESSES EXAMINED FOR RESPONDENT: NIL

DOCUMENTS MARKED FOR RESPONDENT:

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

R. Sathyabama
16/4/24
(R. Sathyabama)
Judicial Member