



रेल्वे दावा न्यायाधिकरण
चंडीगढ़ पीठ; चंडीगढ़

**RAILWAY CLAIMS TRIBUNAL
CHANDIGARH BENCH; CHANDIGARH**

Claim Application: OA/II (u)/CDG/071/2024

CORAM: MR. UMESH K. SHARMA, HON'BLE MEMBER (JUDICIAL)

Date of filing: 02.07.2024

Reserved on: 01.04.2025

Date of decision: 22.04.2025

- 1. Karnail Singh** aged 41 years
S/o Sh. Kalwant Singh
- 2. Amandeep Kaur (minor)** aged 17 years
D/o Sh. Karnail Singh
- 3. Anchal (minor)** aged 17 years
D/o Sh. Karnail Singh
- 4. Harshpreet Kaur (minor)** aged 14 yrs
D/o Sh. Karnail Singh
- 5. Mansirat Kaur (minor)** aged 09 yrs
D/o Sh. Karnail Singh
(Applicant nos. 2 to 5 are minor and represented by applicant no. 1 being their natural guardian and next friend)

All residents of Village & PO Gopalpur,
Tehsil Rajpura, District Patiala,
Punjab-140701.

.....Applicants

Verses

Union of India,
Through General Manager,
Northern Railways, Baroda House, New Delhi. **.....Respondent**

Claim for Rs. 20,00,000/- along with interest

Appearances: Sh. Kuldeep Singh Sambhi, Ld. Counsel for the applicants.
Sh. Vikas Kashyap, Ld. Counsel for the respondent.

निर्णय

JUDGEMENT

By Umesh K. Sharma, Member (Judicial)

1. The applicants have filed this claim application under Section 16 of the Railway Claims Tribunal Act, 1987 seeking compensation of Rs. 20,00,000/- along with interest for the death of Surjeet Kaur @ Surjit Kaur in an untoward incident.
2. The brief facts as stated by the applicants in the claim application are that Surjeet Kaur @ Surjit Kaur (hereinafter referred to as “the deceased”) along with her minor daughter namely, Harshpreet Kaur was going to visit her parental house in Ludhiana on 18.06.2024. The deceased purchased journey ticket for two adults from railway station Rajpura Jn. for the journey from Rajpura Jn. to Ludhiana Jn. and reached at the platform to board Shane-e-Punjab Express. When the train in question came at Railway Station, Rajpura Jn. there was heavy rush of passenger in the train as well as on the platform. The minor girl of the deceased boarded the train first and when the deceased was about to board the train, the train started moving with jerk and foot of the deceased slipped from foot stairs due to jerk and jolt and she fell down from the train and sustained serious grievous injuries on all parts of her body. The applicants stated that the deceased was a bona fide passenger of the train and died in an untoward incident, therefore, the applicants being the dependents of the deceased are entitled to compensation claim for in the claim application.
3. On receipt of the notice, the respondent Railway Administration appeared before the Tribunal and filed written statement and the DRM’s Report relating to the alleged incident. The respondent in the written statement denied the averments made by the applicants in the claim application. The main averments of the respondent counsel is that during Fard Jamatalashi on the day of alleged incident i.e., 18.06.2024, nothing was

recovered from the deceased, whereas ticket annexed with the claim application has been produced through Fard Peshkardegi on 19.06.2024, which creates doubt about the relation of the ticket with the deceased. Further respondent stated that as per the statement of Harshpreet Kaur, her mother has met with an accident while trying to board the moving train, which shows her own negligence. Therefore, in view of the provisions contained in Section 124-A (b) of the Railway Act, the respondent administration cannot be saddled with the responsibility to pay of any compensation. Rest of the paragraphs were denied and it was prayed that the claim application be dismissed is not maintainable and liable to be dismissed.

4. On 21.01.2025, on the basis of the conclusion in the DRM's report, documents on record and after hearing Ld. Counsel for the respondent, following issues are formulated:
 - 1) *Whether the deceased was a bona fide passenger of the train in question on the date of incident?*
 - 2) *Whether the incident in question falls within the definition of 'untoward incident' as is defined under Section 123 (c) (2) read with Section 124-A of the Railways Act, 1989?*
 - 3) *Whether the applicants are the only dependents of the deceased as defined under Section 123 (b) of the Railways Act, 1989?*
 - 4) *Relief, if any, to which the applicants are entitled to?*
5. In the evidence, Sh. Karnail Singh (AW-1) appeared. He has filed his affidavit towards examination-in-chief. Harshpreet (AW-2) also appeared as witness. They both were cross-examined by Sh. Vikas Kashyap, Ld. Counsel for the respondent

on 18.03.2025. The applicants also filed following documents marked exhibit A-1 to A-29, as under:

1	<i>Photocopy of Bank Passbook of Karnail Singh (husband of the deceased)</i>	<i>A-1</i>
2	<i>Photocopy of Bank Passbook of Amandeep Kaur (minor daughter of deceased)</i>	<i>A-2</i>
3	<i>Photocopy of Bank Passbook of Anchal (minor daughter of deceased)</i>	<i>A-3</i>
4	<i>Photocopy of Bank Passbook of Harshpreet Kaur (minor daughter of deceased)</i>	<i>A-4</i>
5	<i>Photocopy of Aadhar Card of Surjit Kaur (deceased)</i>	<i>A-5</i>
6	<i>Photocopy of Aadhar Card of Karnail Singh (husband of deceased)</i>	<i>A-6</i>
7	<i>Photocopy of Aadhar Card of Amandeep Kaur (minor daughter of deceased)</i>	<i>A-7</i>
8	<i>Photocopy of Aadhar Card of Anchal (minor daughter of deceased)</i>	<i>A-8</i>
9	<i>Photocopy of Aadhar Card of Harshpreet Kaur (minor daughter of deceased)</i>	<i>A-9</i>
10	<i>Photocopy of Aadhar Card of Mansirat Kaur (minor daughter of deceased)</i>	<i>A-10</i>
11	<i>Station Memo</i>	<i>A-11</i>
12	<i>Medical report of Surjit Kaur</i>	<i>A-12</i>
13	<i>Information to Police</i>	<i>A-13</i>
14	<i>Form No. 25.35 (Inquest Report)</i>	<i>A-14</i>
15	<i>Fard Jamatalashi</i>	<i>A-15</i>
16	<i>Fard Peshkardagi of Railway Ticket</i>	<i>A-16</i>
17	<i>Railway Journey Ticket</i>	<i>A-17</i>
18	<i>Letter to Medical Officer, Civil Hospital, Rajpura</i>	<i>A-18</i>
19	<i>Letter to Medical Officer, GMCH, Sec. 32, Chandigarh</i>	<i>A-19</i>
20	<i>Post Mortem Report</i>	<i>A-20</i>
21	<i>Statement of Harshpreet Kaur (minor daughter of the deceased)</i>	<i>A-21</i>
22	<i>Statement of Karnail Singh (husband of the deceased)</i>	<i>A-22</i>

23	<i>Joint Statement</i>	<i>A-23</i>
24	<i>Photocopy of Bank Passbook of Mansirat Kaur (minor daughter of the deceased)</i>	<i>A-24</i>
25	<i>Photocopy of PAN Card of Karnail Singh (husband of deceased)</i>	<i>A-25</i>
26	<i>Photocopy of PAN Card of Harshpreet Kaur (minor daughter of deceased)</i>	<i>A-26</i>
27	<i>Photocopy of PAN Card of Amandeep Kaur (minor daughter of deceased)</i>	<i>A-27</i>
28	<i>Photocopy of PAN Card of Anchal (minor daughter of deceased)</i>	<i>A-28</i>
29	<i>Photocopy of PAN Card of Mansirat Kaur (minor daughter of deceased)</i>	<i>A-29</i>

6. The respondent Railways have also filed DRM Report along with annexed documents, the same was collectively marked as Exhibit R-1. The respondent did not adduce any oral evidence.

FINDINGS

7. I have carefully gone through the pleadings of the parties, material made available on record, evidence adduced on behalf of applicants/respondent and heard the arguments advanced on behalf of rival parties by their counsel. My findings on the aforesaid issues are as under:

Issues No.1 & 2

8. Ld. Counsel for the applicants submitted that the deceased along with her minor daughter Harshpreet Kaur was going to visit her parental house in Ludhiana on 18.06.2024. The deceased purchased journey ticket for two adults from railway station Rajpura Jn. from Rajpura Jn. to Ludhaiana Jn. They reached at the platform to board Shane-e-Punjab Express. When the train in question came at Railway Station, Rajpura Jn.

There was heavy rush of passengers in the train as well as on the platform. The minor girl of the deceased boarded the train but while deceased tried to board, the train started moving with jerk and foot of the deceased slipped from foot stairs due to jerk and jolt and she fell down between train and platform. She sustained serious grievous injuries on all parts of her body. Ld Counsel for the applicants submitted that the deceased was a bona fide passenger of the train and died in an untoward incident, therefore, the applicants being the dependents of the deceased are entitled to compensation claim for in the claim application.

9. On the other hand, Ld. Counsel for the respondent submitted that during Fard Jamatalashi on the day of alleged incident i.e., 18.06.2024, nothing was recovered from the deceased whereas ticket annexed with the claim application has been produced through Fard Peshkardegi on 19.06.2024, which creates doubt about the relation of the ticket with the deceased. Further respondent submitted that as per the statement of Harshpreet Kaur, her mother had met with an accident while trying to board the moving train, which shows that the woman has met with an accident due to her own negligence act. Therefore, in view of the provisions contained in Section 124-A (b) of the Railway Act, the respondent administration cannot be held responsible for payment of any compensation.” Rest of the paragraphs were denied and it was prayed that the claim application be dismissed is not maintainable and liable to be dismissed.
10. In the Memo (Ex. A-11), which was issued by Station Master, Rajpura on 18.06.2024, it has been specifically mentioned that:

“गाड़ी संख्या 12497 के ड्राइवर ने VHP Set पर बताया कि अनजान आदमी गाड़ी से गिर गया इसीलिए आपको सूचित किया जाता है और अनजाने आदमी को तुरंत सिविल हॉस्पिटल में ले जाया जाए।”

11. In order to prove the bona fide status of the deceased, the applicants have relied Fard-Peshkardgki (Annexure A16), which states about the production of railway journey ticket bearing No. 19592791 of Rs.130/- dated 18.06.2024 from Rajpura to Ludhiana for two persons. The verification report of aforesaid ticket states:

“...जीआरपी/राजपुरा ASI जसविंदर सिंह द्वारा जामा तलाशी में एक जनरल रेल टिकट नंबर AAA-19592791 राजपुरा से लुधियाना जंक्शन दिनांक 18.06.2024 समय 09.24 बजे जमा की गयी थी जिसके संबंध में जाँच की गई तो पाया कि जनरल रेल टिकट नंबर AAA-19592791 राजपुरा से लुधियाना जंक्शन की यात्रा के लिये दिनांक 18.06.2024 को राजपुरा से काउंटर नंबर दो से जारी की गयी थी। उपरोक्त टिकट का सत्यापन CBS/राजपुरा से करवाया गया।”

12. The respondent has argued on the point that the daughter of the deceased had produced the ticket on the next day, this plea of the respondent cannot be taken because if the natural circumstances are taken into consideration, minor applicant's mother had met with alleged incident. So, she being minor was not in the condition to produce the ticket on the alleged incident. Therefore, late production of Railway Journey ticket is no ground that the ticket was managed one. This plea of the respondent is not sustainable under the facts and circumstances of the case.
13. In the DRM Report, Smt. Harpreet Kaur/ASI/RPF, Rajpura has specifically mentioned in the rojnamcha as under:

“ इस समय मन एएसआई हरप्रीत कौर ने सूचना दर्ज की कि आज दिनांक 18.06.24 को गाड़ी संख्या 12497 रेलवे स्टेशन राजपुरा के PF/no 01 पर समय 10.40 बजे आई और अपने निर्धारित ठहराव के बाद समय 10.42 बजे अपने गंतव्य की ओर रवाना हुई तो उसमें चढ़ते समय एक महिला यात्री प्लेटफॉर्म पर गिर गई जिसका नाम सुरजीत कौर W/o श्री करनैल सिंह R/o गाँव- हरपालपुर, PIS गंडिया खेड़ी, जिला- पटियाला, पंजाब है को सिविल हॉस्पिटल राजपुरा में ले जाया गया जो बेहोशी की हालत में थी। जिसके चेहरे पर रगड़ की निशान थे। RPF कां० सौरभ कुमार को सिविल हॉस्पिटल भेजा गया जहाँ पर ज्ञात हुआ कि उसे राजेन्द्रा हॉस्पिटल पटियाला के लिए रेफर किया गया है। महिला को RPJ से LDH के लिए जाना था उसके साथ 02 बच्चे भी हैं।”

14. Post mortem was conducted on 19.06.2024 wherein the doctor opined that the cause of death as:

“In my opinion the cause of death in this case is due to polytrauma which is due to Railway Track Accident which is leads to hypovolemic shock which is enough in due course of death o leads to death.”

15. After the investigation of the case the concluding part of the DRM has mentioned that:

“श्रीमान जी घटना के संबंध में उक्त गाड़ी पर कार्यरत गार्ड श्री नागेंद्र शर्मा व LP उमेश कुमार ने अपने बयानों में बताया है कि पब्लिक द्वारा शोर मचाकर बताया गया था की कोई यात्री चलती गाड़ी में चढ़ने के प्रयास में पैर फिसलकर उक्त गाड़ी व PF no 01 के मध्य गिर गया जिस कारण उक्त घटना घटित हुई है तथा मृतक महिला की सह यात्री उसकी पुत्री हर्षप्रीत कौर ने भी अपने बयानों में यही बताया है कि उसकी माता द्वारा चलती गाड़ी में चढ़ने की कोशिश के कारण उक्त घटना घटित हुई है जिससे यह स्पष्ट प्रतीत होता है कि उक्त मृतक महिला द्वारा लापरवाही पूर्वक चलती ट्रेन में चढ़ने की कोशिश के कारण उक्त घटना का शिकार हुई है।”

16. The contention of the Ld. Counsel for the respondent that the applicants is not entitled to any compensation, as the deceased

became victim due to his own negligence, is not tenable, as the Hon'ble Supreme Court has now held consistently that the liability of the Railways is a strict liability for an "Untoward Incident" under Sections 123(c)(2) read with Section 124-A of the Railway Act. The Apex Court also held that the death or injuries in the course of boarding or de-boarding a train will be an untoward incident. Hence, falling down from a train, even if there is negligence, does not take the case out of the definition of the "Untoward Incident", unless the negligence is a criminal negligence or it is a case of self-inflicted injuries or an attempt to suicide and so on. I am fortified in my views by the observations of Hon'ble Supreme court made vide para no.16.6 of judgment delivered in case titled as Union of India versus Rina Devi (Civil Appeal No.4945 of 2018 decided on 9th May, 2018), which is reproduced below:

"We are unable to uphold the above view as the concept of "self-inflicted injury" would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in United India Insurance Co. Ltd. Versus Sunil Kumar laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under Section 163A of the Motor Vehicle Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will not fall

under the proviso to Section 124-A merely on the plea of negligence of the victim as a contributing factor.”

17. In view of the discussion made here-in-above, I have no hesitation in holding that the deceased was a bona fide passenger of the train and it is a case of death coming within the purview of an “Untoward Incident” as defined under section 123(c)(2) read with Section 124-A of the Railway Act, 1989. Thus, the issue no. 1 and 2 are decided in favour of the applicants.

Issues no. 3 & 4

18. Case in hand has been filed before the Tribunal by the husband and minor daughters of the deceased being the only dependents of the deceased. Karnail Singh in his cross examination before the Court has stated that the deceased has left behind Sh. Karnail Singh (husband), Amandeep Kaur (minor daughter), Anchal (minor daughter), Harshpreet Kaur (minor daughter) and Mansirat Kaur (minor daughter) as the only dependents. To prove the dependency of the present applicants, the applicants have filed their Aadhar Cards, PAN Cards of all dependents. These documents proved that the applicants are the sole dependents of the deceased. On the contrary no evidence whatsoever, has been adduced on behalf of the respondent to contradict the case of the applicants on the point the dependence of the present applicants. Moreover, during the pendency of the claim application, none else appeared before the Tribunal, claiming himself/herself as dependent of the deceased. Resultantly, issue nos. 3 & 4 are decided in favour of the applicants.

19. Applying the principle laid down by the Hon'ble Supreme Court in Reena Devi's case to the present case it is held that the present applicants being the only dependents of the deceased within the meaning of section 123(b)(1) of the Railways Act, 1989, are entitled to get an amount of Rs. 8,00,000/- as compensation as prescribed under part 1 of the schedule apprehended to rule 3 (3) of the Railway Accident and Untoward Incident Compensation Rules, 1990 as amended on 22.12.2016 (with effect from 01.01.2017) along with an interest at the rate of 9% per annum from the date of incident i.e. 18.06.2024 till the date of award. All these issues are decided accordingly. Hence, it is

आदेश
ORDERED

20. The claim application of the applicants is allowed. The respondent Railway Administration is directed to pay Rs. 8,00,000/- along with interest from the date of incident i.e. 18.06.2024 till the date of award to the applicants as compensation.
21. As regards disbursal of the amount of award, it may be seen that in Geeta Devi Vs Union of India, Delhi High Court has observed as under: -

“5. As Regards Amendment to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 5.1. Many of the claimants are drawn from rural areas with low levels of literacy and lower levels of making appropriate decision for the use of amounts guaranteed under the awards. There are several instances of their exploitation by middlemen and touts operating in the field. The scope for such exploitation is itself one of the incentives for fomenting bogus claims, fabricated documents and duplicate claims in different Benches of the Tribunal for the same cause of action. The availability of

bulk funds in the name of an ill-informed claimant is also a cause for exploitation. A scheme for protection of the amount due to such a claimant is the need of the hour.

22. The Honourable High Court went on to lay down the mode of payment and in pursuance of the Orders passed by the Delhi High Court, Government of India has issued a Notification of 3rd June, 2020 amending Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, adding Rule 5 which reads as under: -

“5. Mode of payment—

5.1 The Tribunal may, in order to protect the sum awarded to the claimant, having due regard to the illiteracy or other disabling factors impairing the judicious use of such sum, issue directions for disbursing the award in terms of annuities, fixed deposits or other suitable mode as shall subserve justice.

5.2 If any of the claimants is a minor or person of unsound mind, the Tribunal may give liberty to the guardian ad litem to use the interest accruals on the deposit that shall be made during the minority for maintenance.

5.3 Nothing in this Rule shall limit the power of the Tribunal to make modifications of the mode of disbursement for reasons to be stated in writing depending on the exigencies requiring liquidation of any corpus created for annuity or premature closure of fixed deposit, for the benefit of the claimant.

5.4 The orders dated 21st April, 2017, 24th May, 2019 and 6th November, 2019 of Hon’ble High Court of Delhi in FAO No. 22/2015 and CM Application No. 4501/2015 in Geeta Devi Vs Union of India, relating to disbursement of compensation shall be read as part of this Rule.”

23. It is considered appropriate to distribute and disburse the amount as under:

<i>Name of the applicants</i>	<i>Amount to be paid to the applicants immediately through ECS by</i>	<i>Amount to be invested in fixed deposit scheme of Nationalized Bank and the interest accrued thereon to be credited to SB Account of the</i>

	<i>NEFT/RTGS to the SB Account</i>	<i>applicant.</i>
<i>Karnail Singh (husband of the deceased)</i>	<i>Rs. 20,000/- (Rupees Twenty Thousand Only) along with the accrued interest</i>	<i>Rs. 1,80,000/- (Rupees One lakh and Eighty Thousand Only). This amount will be kept in the form of fixed deposit for a period of three years. However, the monthly interest accrued on this amount, shall be credited to his SB Account.</i>
<i>Amandeep Kaur (minor daughter of the deceased)</i>	-	<i>Rs. 1,50,000/- (Rupees One lakh and Fifty thousand Only). This amount will be kept in the form of fixed deposit for a period till this minor applicant attains the age of majority. However, the quarterly interest accrued on this amount, shall be credited to SB Account of her father i.e. Sh. Karnail Singh for her maintenance and education etc.</i>
<i>Anchal (minor daughter of deceased)</i>	-	<i>Rs. 1,50,000/- (Rupees One lakh and fifty thousand Only). This amount will be kept in the form of fixed deposit for a period till this minor applicant attains the age of majority. However, the quarterly interest accrued on this amount, shall be credited to SB Account of her father i.e. Sh. Karnail Singh for her maintenance and education etc.</i>
<i>Harshpreet Kaur (minor daughter of deceased)</i>	-	<i>Rs. 1,50,000/- (Rupees One lakh and fifty thousand Only). This amount will be kept in the form of fixed deposit for a period till this minor applicant attains the age of majority. However, the quarterly interest accrued on this amount, shall be credited to SB Account of her father i.e. Sh. Karnail</i>

		<i>Singh for her maintenance and education etc.</i>
Mansirat Kaur <i>(minor daughter of deceased)</i>	-	<i>Rs. 1,50,000/- (Rupees One lakh and fifty thousand Only). This amount will be kept in the form of fixed deposit for a period till this minor applicant attains the age of majority. However, the quarterly interest accrued on this amount, shall be credited to SB Account of her father i.e. Sh. Karnail Singh for her maintenance and education etc.</i>

24. The respondent Railway Administration is hereby directed to deposit the amount awarded with the Additional Registrar of this Tribunal within a period of 30 days from the date of communication of this judgment failing which the applicants shall be entitled to further interest @ 9% per annum for the default period.
25. The applicants are hereby directed to submit the details of their Aadhar linked Bank accounts of a Nationalized Bank mentioned in the schedule Annexure-I of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, situated nearest to their place of residence to the Additional Registrar of this Tribunal.
26. The Bank shall not permit any joint name(s) to be added in the saving bank account or fixed deposit account of the applicants i.e., the Saving Bank Accounts of the applicants shall be an individual Saving Bank Account and not a joint account.
27. The monthly interest be credited by Electronic Clearing System (ECS) in the said Saving Bank Account of the applicant No. 1.

28. The maturity amount of the FDRs be credited by Electronic Clearing System (ECS) in the Saving Bank Accounts of the applicants.
29. No loan, advance, withdrawal, or pre-mature discharge be allowed on the fixed deposit without permission of the Tribunal.
30. The concerned Bank shall not issue any cheque book and/or debit card to the 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 freeze the account of the applicants so that no debit card be issued in respect of the account of the applicants from any other Branch of the Bank.
31. The Bank shall make an endorsement on the passbook of the applicants to the effect that no cheque book and/or debit card have been issued or will be issued without the permission of the Tribunal and the applicants shall produce the passbooks with the necessary endorsement duly signed and stamped by the Bank before the Additional Registrar of this Tribunal. The Bank is further directed to permit the applicants to withdraw money from their Saving Bank Accounts by means of a withdrawal form only.
32. The Respondent Railway Administration is also directed to place on record the proof of deposit of the award amount with up-to-date interest, if any along with a calculation sheet and the same shall be filed with the Additional Registrar.
33. In the facts and circumstances of the case, there is, however, no order as to costs.

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

Judgment pronounced, signed and sealed today i.e.,
22.04.2025.

(Umesh Kumar Sharma)
Member (Judicial)
RCT, Chandigarh

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