

RAILWAY CLAIMS TRIBUNAL, PRINCIPAL BENCH, DELHI

**Mr. JUSTICE KANWALJIT SINGH AHLUWALIA, HON'BLE
CHAIRMAN**

Case No. : OA/II(U)/DLI/88/2024
Date of filing : 09.02.2024
Date of Decision : 24.01.2025

1. Sh. Manoj Singh,
S/o Kishan Dev Singh
2. Smt. Manti Devi,
W/o Manoj Singh

Both are R/o Phase no. 8
RK Rajendra Company,
Focal Point, Ludhiana, Punjab - 141010

...Applicants

Versus

Union of India,
Represented through: General Manager,
Northern Railway, Baroda House
Delhi

...Respondent

Claim for Rs. 10,00,000/- (with interest)

Sh. Inderjeet Singh, counsel for the applicant through hybrid mode.

Sh. Mohit Sharma, counsel for the respondent.

J U D G M E N T

Kanwaljit Singh Ahluwalia, Chairman (Oral):-

1. Sh. Manoj Singh and Smt. Manti Devi, parents of Sajjan Kumar, have preferred present claim application under Section 16 of the Railway Claims Tribunal Act, praying that for the death of their unmarried son Sajjan Kumar , aged 18 years in an untoward incident, compensation be awarded as he was a bonafide passenger. It is pleaded that Sajjan Kumar (*hereinafter called 'deceased'*) on 7th August 2023, undertook journey from Chapra to Ludhiana in Shaheed Express Train and when on the next day i.e 8th August 2023, the said train reached near Saharanpur Railway Station, due to overcrowding in the train and the jerk of the train, Sajjan Kumar, accidentally fell from the train and died at the spot. It is further averred in the claim application that the deceased while travelling in train no. 14673, Shaheed Express Train was having a valid railway journey ticket annexed with the claim application.
2. Notice of the claim application was issued. Respondent filed Written Statement along with the report of DRM. In Para-4 of the Preliminary Objections, it is admitted that the deceased was a bonafide passenger and Station Master, in a statement admitted that on 8th August 2023, he was on his duty at Sarsawa Railway Station and at around 12:43 PM after

passing of train no. 14673 Shaheed Express through Sarsawa railway station, he received information from Duty Pointsman that a person had fallen in front of railway station from train no. 14673 Shaheed Express. It was admitted in Para-4 of the Preliminary Objections that the deceased was a bonafide passenger but he had not died in an untoward incident. For ready reference, Para-4 of the Preliminary Objections is reproduced below:-

“4. That in the present matter, the preliminary enquiry was conducted and according to the statement of the Station Master of Sarsawa Railway Station that on 08.08.2023 his duty was at Sarsawa Railway Station to operate trains from 07 am to 3 pm. At around 12:43 pm after train no 14673 Shaheed Express passed through Sarsawa railway station, an information was received from the on duty point man that a person had fallen in front of the station from train no. 14673 Shaheed Express. After receiving information Station Master had seen that a person was lying in an injured condition at KM No. 194/05, Station Master immediately called ambulance and informed GRP/RPF/SRE. According to the statement of Sh. Manoj Kumar his son Sajjan Kumar died after falling from the train at Sarsawa Railway Station yard while travelling in train no. 14673 Shaheed Express from Chapra Railway Station to Ludhiana Railway Station, in respect of which claim has been filled by him only. During investigation according to the statements of the Loco pilot and the train Manager of train no. 14673 UP, that on 08.08.2023 there is no information regarding happening of the above incident and any passenger did not pull the ACP to stop the train during the incident. It cannot be determined that the above said incident occurred as a result of any failure of the railway department. The death of the deceased caused due to his own carelessness and negligence. That the injured was a bonafide passenger of the train but the incident is not an Untoward incident. Therefore the Railway Administration has no liability of the present claim.”(Reproduced in Verbatim)

3. In the statutory report of DRM Ex. R-1 in column no. 19, it was stated that railway ticket no. AAE-08645173 issued from CBS railway station Chapra Junction was verified and the said ticket for journey from Chapra to Ludhiana was issued from window no. 1, authorising one person to travel and the amount of the ticket purchased was Rs. 325/-. It will be

apposite here to reproduce column Nos. 19 and 20 of the Investigation Report which was approved by Statutory Authority, Divisional Railway Manager:-

19	टिकट सत्यापन	मृतक के पास से प्राप्त रेल टिकट नं० AAE08645173 का सत्यापन CBS रेलवे स्टेशन छपरा जंक्शन से कराया गया। जिसके द्वारा लिखित में बताया गया कि उपरोक्त टिकट दिनांक 07.08.2023 को छपरा बुकिंग ऑफिस में उपस्थित DTC रजिस्टर अनुसार टिकट नं० AAE08645173/CPR To LDH amount Rs.325/- window no. 01 यात्री संख्या 01 है। जो छपरा बुकिंग ऑफिस से जारी किया गया है। टिकट सत्यापन रिपोर्ट व जारी टिकट की सत्यापित छायाप्रति साथ संलग्न है।
20	पूर्ण जांच निष्कर्ष	श्रीमान जी, दौरान जांच क्लेम कर्ता श्री मनोज कुमार पुत्र श्री कृष्णदेव सिंह द्वारा अपने बयानों में बताया गया कि मेरे लड़के सज्जन कुमार की छपरा रेलवे स्टेशन से लुधियाना रेलवे स्टेशन तक गाड़ी सं० 14673 में यात्रा करते समय सरसावा रेलवे स्टेशन यार्ड में गाड़ी से गिरकर मृत्यु कारित हुयी है, जिसके संबंध में मेरे द्वारा ही क्लेम किया गया है। जांच के दौरान गाड़ी संख्या 14673 अप के लोको पायलट व ट्रेन मैनेजर द्वारा अपने बयानों में दिनांक 08.08.2023 को उपरोक्त घटना के संबंध कोई जानकारी नहीं होना बताया गया है तथा किसी भी यात्री के द्वारा घटना के दौरान गाड़ी रोकने के लिये ACP नहीं करना बताया है व घटना का कोई भी प्रत्यक्षदर्शी नहीं है। श्रीमान जी, जांच रिपोर्ट सेवा में सादर प्रेषित है।

4. Member (Judicial) RCT/Jaipur, while holding Circuit Bench at RCT/Delhi, on 24th May 2024, passed the following order:-

*“Pr. Sh. Inderjeet Singh, counsel for the applicant.
Sh. Mohit Sharma, counsel for the respondent.
Ld. Counsel for the respondent has fairly admitted in the written statement that on the date of the incident, the deceased was a bonafide passenger.
On the basis of the pleadings of the parties and documents on record, the following issues are framed for adjudication:-*

- 1) Whether there was any untoward incident as is defined under the provisions of Section 123(c) of Railways Act, 1989?*
- 2) Whether the applicant(s) is/are dependent(s) of the deceased?*

3) *Whether the applicant(s) is/are entitled for any relief and interest as prayed for in the application?*

4) *Relief if any?*

List for evidence of the applicant on 28.06.2024."

5. Today, I have heard Sh. Inderjeet Singh, who has appeared virtually and Sh. Mohit Sharam, counsel for the respondent. Sh. Mohit Sharma as earlier admitted, today relying upon DRM report, has also conceded that the deceased was a bonafide passenger.

Findings :-

Issue no. 1

6. Having heard counsel for the parties, Issue No. 1 is taken for adjudication. DRM report contains carbon copy of memo sent by Station Master, Sarwasa on 8th August 2023 at 12:45 hrs wherein it is stated that from train no. 14673 Shaheed Express opposite station building on Up and Dn line, one person has fallen from the train at KM no. 194/05 and Ambulance through 108 arrived and the person was found dead. Under Rule 4 of the *Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020*, Form No. 1 was filled on the date of occurrence itself and it is recorded therein that from train no. 14673 Shaheed Express, an unknown person has fallen at KM no. 194/05 at SSW yard between Up and Dn lines just in front of the station building. Ambulance was called and they found the person to be dead. In view of the above,

even though no eye witness is available, this fact cannot be ignored that immediately after train no. 14673 Shaheed Express had left Sarsawa railway station, a person was found in an injured condition and was subsequently declared dead and that person was none else, but the son of the applicants. He was also having a valid railway journey ticket. He was found dead on the route of the journey. In panchnama also, as per opinion of the *Panchas*, cause of death is fall from the train. I have also seen the Post-mortem report, the nature of injuries also corroborate the opinion of the *Panchas* that death can be due to fall from the train. Thus, Issue No. 1 is decided in favour of the applicant and against the respondent.

Issue No. 2 :-

7. The applicants have filed on record the attested copies of their Aadhar Cards (Exhibit A-3 and A-4) respectively, including the Pan Card of the deceased Sajjan Kumar (Exhibit A-5) issued by Government of India. The same proves the relationship of the applicants with the deceased. Thus, the applicants, being parents, are held to be the dependents of the deceased within the meaning of Section 123 (b) of the Railways Act, 1989.

ORDER

8. Hence, the claim application is allowed and the respondents are directed to pay a sum of Rs. 8,00,000/- (Rupees eight lacs only) to the applicants

along with 9% simple interest from the date of incident till today. Respondent is directed to pay the amount of compensation in the suitor's money account of the Principal Bench of this Tribunal at Delhi within one month from date of receipt of certified copy of this order, failing which, they will be liable to pay simple interest @ 9% per annum for any subsequent delay.

9. So far as disbursal of the amount of award is concerned, we have heard the learned counsel for the parties.
10. We may notice 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. Earlier, this Court has involved 21 Nationalised Banks in dialogue to evolve a scheme of annuities for disbursement of claims. They have been ordered already to be implemented in this case, vide directions passed on 22nd February, 2019. This scheme as applied to motor accident claims has been approved by the Supreme Court in its order dated 05th March, 2019 in Krishnamurthi vs New India Insurance Company, SLP (C) No.31521-31522 of 2017. A statutory rule backing will, therefore, best serve the interest of the litigant in the manner set out below:-

5.2. Insert following Rule 5 after Rule 4:-

Rule 5: Mode of payment--(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 sub-serve justice.

(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.

(3) Nothing in this Rule shall limit the power of the Tribunal to make modifications of the mode of disbursal 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.”

In pursuance of the orders passed by the Delhi High Court, recently, Government of India has issued a Notification of 3rd June, 2020 amending Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, amending 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 disbursal 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.”

11. Therefore, relying upon the judgement rendered by the Delhi High Court in the case of Geeta Devi (supra) and in pursuance of Rule 5 quoted above, in the present case, the amount of award along with the interest shall be disbursed in the following manner: -

12. The total compensation amount, shall be shared equally between both the applicants i.e. Applicant No. 1 Sh. Manoj Singh, father of the deceased shall receive Rs. 4,00,000/- (Rs Four lacs only) and applicant no. 2, Smt.

Manti Devi, mother of the deceased, shall receive Rs. 4,00,000/- (Rs. Four lacs only) each along with accrued interest.

13. 10% of the respective shares of the applicants along with proportionate interest shall be released forthwith by ECS/NEFT transfer to their respective savings bank account. Rest of their shares together with accrued interest, if any, shall be invested in respective FDRs for a period of three years in their names in a Nationalized Bank, near to the place of their residence, with monthly payment of accrued interest to them.
14. Addl. Registrar, Railway Claims Tribunal, Principal Bench Delhi will verify the details of the bank account of the awardee before making payment. Further to that, the bank should also be directed not to allow any loan, advance, withdrawal or premature discharge on the fixed deposit without permission of the Tribunal.
15. The bank account should be in a Nationalised Bank near their place of permanent residence.
16. The application is allowed in the above terms. No order as to costs.

(Kanwaljit Singh Ahluwalia)
Chairman

