

**BEFORE THE RAILWAY CLAIMS TRIBUNAL  
CHENNAI BENCH**

**Present:**

**Shri Sanjeev Aggarwal, Hon'ble Member (J)  
Shri Prasanta Kumar Sahu, Hon'ble Member (T)**

**OA (II-u)/MAS/23/2023**

*(Application filed with delay condonation petition on 12.07.2022,  
OA registered on 05.04.2023, heard on 02.11.2023 and decided on 09.11.2023)*

1. Mahalakshmi, (wife of the deceased)
2. Divyalakshmi, (daughter of the deceased)
3. Dharshini, (daughter of the deceased)
4. Navaneedam, (mother of the deceased)

*All are residing at:*

No.4, EB Colony,  
Walaja Town,  
Walaja Taluk,  
Ranipet District.

...Applicants

Versus

Union of India  
Through General Manager,  
Southern Railway,  
Chennai.

...Respondent

*Claim under Section 123(c)(2) & 124-A of the Railways Act, 1989.*

Shri G.Sampath, Counsel for Applicants

Shri V.Udayakumar, Counsel for Respondent

**JUDGMENT**

**Prasanta Kumar Sahu, Member (T)**

Present Application was filed by wife, daughters and mother of Jaisankar, hereinafter referred to as the deceased, claiming compensation for his death in an alleged untoward incident. According to the Applicants, on 25.06.2021 the deceased while travelling in an Electric train from Park Railway station to Guindy Railway station, with a Season Ticket No.UMG 90564633, due to over crowd, accidentally fell down from the running train, just before Guindy Railway station. The deceased suffered grievous

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injury on the back of his head and his skull was broken. Immediately he was taken to Government General Hospital at Royapettah, from where while he was being taken to Rajiv Gandhi Government General Hospital, Chennai, died on the way. Submitting that the deceased was a bona fide passenger and the incident in which he lost his life was an untoward incident, the Applicants have prayed for compensation of Rupees eight lakhs with interest @ 9% in single payment.

2. Respondent filed Reply statement along with statutory investigation report, known as DRM report. Respondent admitted that the deceased had a valid ticket. However, submitting that the actual cause behind the fall is not known as there was no direct eyewitness or definitive evidence, Respondent contested the case.

3. Based on the pleading raised and documents placed on record, the following issues were framed on 30.06.2023:

- 1) Whether the deceased was a bona fide passenger as alleged?
- 2) Whether the incident in which the deceased allegedly lost life is an untoward incident as defined under Sec.123(c)(2) of the Railway Act, 1989?
- 3) Whether the applicants are the only dependants of the deceased?
- 4) Whether the Applicants are entitled for compensation as claimed and other relief if any?

4. Applicant No.1, wife of the deceased, filed Proof Affidavit and deposed as AW-1 on 03.08.2023. Applicants filed copies of FIR, Inquest Report, Ticket No.0686974 for travel from Wallajah Road to Chennai & Season Ticket No.90564833 for travel from Guindy to Chennai Park, Post-mortem certificate, Final Report, Death Certificate, Legal Heir certificate, Bank passbooks of Applicants and Aadhar cards of Applicants, which were marked as Ex.A-1 to A-9, respectively. Respondent has filed DRM report along with copies of documents cited in it, which was marked as Ex.R-1.

5. Heard both sides, perused the entire material on record. The following are the findings on the issues:

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**Issue No.1**

6. According to the Applicants, on 25.06.2021 the deceased travelled from Walajah Road Jn to Chennai Central by train No.06090 on a reserved accommodation in Coach No.D15, Seat No.80 against PNR No.441-3870156 and was travelling in an EMU train from Chennai Park to Guindy on a Second Class Monthly Season Ticket bearing No.UMG 90564633, which was valid from 17.06.2021 to 16.07.2021. During the travel, due to overcrowd, the deceased accidentally fell down from the running train and suffered injuries. Though he was immediately taken to Government General Hospital, Royapettah and from there to Rajiv Gandhi Government General Hospital, Chennai, he succumbed to the injuries on the way. Inquest Report (Ex.A-2) and Final Report (Ex.A-5) recorded details of travel and the tickets. Applicants submitted copies of these tickets (Ex.A-3). Respondent checked validity of the Monthly Season Ticket with Senior Console Operator, Unreserved Ticketing System, Chennai, and it was confirmed that the ticket was valid. Hence, this issue is held in favour of the Applicants.

**Issue No.2**

7. According to the Applicants, it was a case of accidental falling down from a running train, hence, an untoward incident. Respondent admitted that it appears to be case of fall from running train, but contested the claim stating that actual cause behind the falling down of the deceased is not known as there was no direct eyewitness or definite evidence.

8. It is seen from the records that on 25.06.2021 at about 09.40 hrs on getting information from some passenger that a male person had fallen down from Chennai Beach - Tambaram EMU train No.BT-27, some 20 metres before Guindy Railway station, Tamil Nadu Special Police and Railway Protection Force Constables rushed to the place and found the deceased, lying there with head injuries. They called 108 ambulance and also informed his office SIDCO, Guindy. By the time the Ambulance came, the deceased's co-workers also reached and they took him to Government General Hospital, Royapettah. Entry in the Accident Register of Government Hospital, Royapettah, which is part of DRM report, recorded that the deceased was brought in

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injured condition on 25.06.2021 with 'Alleged H/o of fall from running train near Guindy station at around 10.00 AM on 25.06.2021' and it also recorded that he had head and other injuries. While he was being taken to Rajiv Gandhi Government General Hospital, Chennai, he died. Based on information furnished by Casualty Medical Officer of Rajiv Gandhi Government General Hospital, Government Railway Police, Mambalam, registered FIR at 18.50 hrs on 25.06.2021 (Ex.A-1). Inquest was conducted from 08.30 hrs to 10.00 hrs in the mortuary of the Hospital on 26.06.2021 (Ex.A-2). Post-mortem was conducted from 11.20 hrs to 12.10 hrs on 26.06.2021 at the Hospital (Ex.A-4). Post-Mortem certificate recorded various injuries, including on the head, fracture of both bones on the middle third of left leg, Irregular fracture of C4 cervical spine, etc. The Doctor opined that 'the deceased would appear to have died due to multiple injuries'. Final Report of Government Railway Police concluded the case as 'Accidental fallen down' (Ex.A-5). Both Inquest and Final Reports recorded in detail particulars regarding his travel and falling down from train.

9. Thus, the facts and circumstantial evidence placed on record unambiguously establish that the incident in which the deceased lost his life was an untoward incident. Hence, it is held that the deceased lost his life due to injuries suffered in an untoward incident, as defined under section 123(c)(2) of the Railways Act, 1989.

### Issue No.3

10. Applicants have filed Aadhar cards (Ex.A-9) in support of their identity and Legal Heir Certificate dated 11.08.2021 Issued by Tahsildar, Watajah Taluk, Ranipet District (Ex.A-7), listing Applicants herein, and showing their relationship with the deceased, as surviving legal heirs of the deceased. The Legal Heir Certificate identified the deceased as son of Shri Sambandan. Applicants have filed an Affidavit dated 09.03.2022 of Shri Sambandan, father of the deceased, wherein he had submitted that he is an E.B. Pensioner, independently living and that he was not dependent of his deceased son and requested that the compensation may be sanctioned to his daughter-in-law, wife of the deceased. Respondent has not contested this issue nor did any other claimant come forward during the pendency of this case. Hence, it is held that Applicants herein are the only dependants of the deceased. The date of birth of Applicant No.2, as per copy of

*M. Lakshmi*



*[Signature]*

Aadhar Card filed along with the Application, is 05.01.2005 and she was a minor at the time of filing the Application. Having completed 18 years, she is a major now.

**Issue No.4**

11. Having held that the deceased was a bona fide passenger, who died in an untoward incident and Applicants herein are the only dependants of the deceased, they are entitled for compensation. Hence, ordered.

**ORDER**

12. The claim application is, hereby, allowed and an award for Rs.8,00,000/- (Rupees Eight lakhs only), along with simple interest @ 6% per annum from the date of incident is made in favour of the Applicants and the compensation amount is apportioned as follows:

|                |                                         |               |
|----------------|-----------------------------------------|---------------|
| Applicant No.1 | Mahalakshmi (wife of the deceased)      | Rs.4,00,000/- |
| Applicant No.2 | Divyalakshmi (daughter of the deceased) | Rs.1,00,000/- |
| Applicant No.3 | Dharshini (daughter of the deceased)    | Rs.1,00,000/- |
| Applicant No.4 | Navaneedam (mother of the deceased)     | Rs.2,00,000/- |
| Total:         |                                         | Rs.8,00,000/- |

13. Accordingly, Respondent Railway is directed to deposit the awarded amount of compensation with 6% simple interest from the date of the incident within 60 days from the date of this judgment, in the Suitors' money account being maintained by the Additional Registrar of this Tribunal, failing which 9% interest has to be paid after expiry of 60 days.

14. So far as disbursement of the amount of award is concerned, we have heard the learned counsel for the parties. It is noticed that in *Geeta Devi v Union of India* [FAO 22/2015 & CMA 4501/2015] dated 24<sup>th</sup> May, 2019, Delhi High Court has *inter alia* observed that: -

**"3. As Regards Amendment to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990**

*M.P.*



*[Signature]*



1.1. 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 Nationalized 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 .....

15. In pursuance of the orders passed by the Delhi High Court, Government of India has issued a Notification No. GSR (E) 347 dated 3<sup>rd</sup> June, 2020 amending Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, amended Rule 5 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 21<sup>st</sup> April, 2017, 24<sup>th</sup> May, 2019 and 6<sup>th</sup> 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."

*M. Lalit*



*[Signature]*

Therefore, considering factors impacting judicious use of the awarded sums, like age, marital status, occupation and level of dependency of the claimants and in compliance of Rule 5 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended vide Notification of 3<sup>rd</sup> June, 2020, in the present case, the amount of award shall be disbursed in the following manner: -

16. The Respondent Railway shall deposit the awarded amount, along with interest, in the Suits money account of this Tribunal maintained by the Additional Registrar within a period of 60 days from the date of this order. While depositing the awarded amount along with interest, the Respondent Railway shall send notice by registered post to the Applicants with a copy of the same to the Additional Registrar and to the counsel for the opposite party giving complete details of the payment such as UTR number, calculation of interest etc.

17. 10% of the share of compensation of Applicant Nos.1 & 4, wife and mother of the deceased, together with interest accrued on their proportionate shares of award, shall be released forthwith by ECS/NEFT to them. The remaining amount of award in respect of Applicant No.1, i.e. Rs.3,60,000/- (Rupees three lakhs sixty thousand only), shall be split into 72 fixed deposits of Rs.5,000/- (Rupees five thousand only) and invested for a period of one to 72 months in ascending order in favour of Applicant No.1. The bank shall release the amount with accumulated interest upon maturity of these deposits to the credit of the bank account of Applicant No.1.

18. The amounts of compensation in respect of Applicant Nos.2 & 3, daughters of the deceased, together with interest accrued on their proportionate shares of award, shall be kept in Fixed Deposits for a period of three years, on their respective names, and shall be credited on maturity to their respective Savings Bank Accounts.

19. The remaining amount of award in respect of Applicant No.4, i.e. Rs.1,80,000/- (Rupees one lakh eighty thousand only), shall be split into 36 fixed deposits of Rs.5,000/- (Rupees five thousand only) each and invested for a period of one to 36 months in ascending order in favour of the Applicant No.4. The bank shall release the

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amount with accumulated interest upon maturity of these deposits to the credit of the bank account of Applicant No.4.

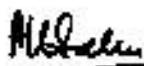
20. The Applicants are hereby directed to submit details of their individual Bank accounts of a nationalized Bank situated near the place of their residence to the Additional Registrar of this Tribunal.

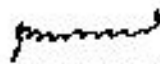
21. In pursuance of Rule 5.4.4 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended by GSR 347 (E) dated 03.06.2020, following conditions are imposed in respect to the fixed deposits: -

- (i) The Bank shall not permit any joint name(s) to be added to the applicant's savings account or fixed deposit account.
- (ii) No loan, advance, withdrawal or pre-mature discharge be allowed from the fixed deposit without permission of the Tribunal.
- (iii) The 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 the award amount.
- (iv) 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 and shall not be issued without the permission of the Tribunal and the applicant shall produce the passbook with the necessary endorsement before the Additional Registrar of this Tribunal.

22. The application is allowed in the above terms with no order as to costs.

23. Pronounced in the open court today on 09.11.2023.

  
(Prasanta Kumar Sahu)  
Member (Technical)

  
(Sanjeev Aggarwal)  
Member (Judicial)

