

RAILWAY CLAIMS TRIBUNAL, BHUBANESWAR
ACTING AS CIRCUIT BENCH OF RCT, PATNA

Case No. OA(IIU)/PNBE/152/2023

Coram: Sh. Syed Nishat Ali, Hon'ble Member (Technical), RCT/Nagpur at
RCT/BBS

Date of untoward incident: 19/10/2019

Date of claim petition filed at RCT/Patna: 17/08/2022

Date of condonation of delay allowed: 03/04/2023

Date of receipt/registered at RCT/BBS: 04/09/2025

Date of Judgment: 10/09/2025

Claimed Amount: Rs. 8,00,000/-

In the matter of

1. **RUBI DEVI**, aged about 32 years,
W/o. Late Dharmendra Pasawan
 2. **SHANTI DEVI**, aged about 59 years,
(Mother of the deceased)
 3. **AYUSH KUMAR**, aged about 05 years,
S/o. Late Dharmendra Pasawan
- All are resident of Village: Taraduh, Raradih,
Gaya Naugarh, Bihar-824208.

Applicants

-Versus-

Union of India represented through

It's **GENERAL MANAGER, NORTH CENTRAL RAILWAY**

Prayagraj (Allahabad), Uttar Pradesh.

Respondent

Appearance:

For the Applicants : Sri Brajesh Kumar Gupta, Advocate (joined
through hybrid mode)

For the Respondent : Sri Radhika Raman, I.d. Counsel (joined
through hybrid mode)

JUDGEMENT

1. The applicants have filed this claim application under Section 16 of the Railway Claims Tribunal Act, 1987 seeking compensation for an amount of Rs. 8,00,000/- (Rupees Eight Lakhs) along with interest for the unfortunate death of Dharmendra Pasawan, S/o. Shyam Sundar Paswan, who had allegedly died in an untoward incident occurred on 19.10.2019.



The Hon'ble Chairman, Railway Claims Tribunal, Delhi, vide its order dated 03/07/2025, transferred the case to Railway Claims Tribunal, Bhubaneswar Bench for disposal of the case through hybrid mode. Bhubaneswar Bench to act as a circuit Bench of Parent Bench i.e. Patna/Bench. The case was received at this bench on 04/09/2025 and arguments heard and reserved on 09/09/2025.

2. The Applicant has mentioned under part III of original claim application as under:-

...."On 19-10-2019 Deceased having a valid ticket travelling from Arugarh Narayan Road to Jalandhar City Junction Via Delhi. The Deceased Dharmendra Paswan aged about 26 years boarded at Arugarh Narayan Road in express train going to Jalandhar City Junction. There was heavy rush in the train. The Deceased is a bonafide passenger Dharmendra Paswan stand near the gate inside the compartment of the aforesaid train. The passengers were jostling one another for space near the gate of the compartment. Due to heavy rush and jostling amongst the passengers, the deceased suddenly fell down from the running train at near about 3 K.M. east in between pillar no. 701/24 to 701/22 Janpad Mirajapur Chunar Junction. As a result, Dharmendra Paswan suddenly sustained injury and died on the spot. On 19-10-2019 Asst. station manager Janpad Mirajapur Chunar Junction reported the incident to Kotwali Janpad Mirajapur Chunar upon which Memo, N.C.R. Railway Zone was Registered at Janpad Mirajapur Chunar Junction. The rail police informed his parents of the deceased on the mobile. On such information his family member and villager reached at the place of Occurrence and identified the dead body Inquest Report was prepared in presence of the witnesses and the dead body was sent for Post-Mortem examination. U. D case register on the basis of Memo dated 20-10-2019 being Kotwali Janpad Mirajapur Chunar Rail P.S.U.D. Case no 21/19 on 20-10-2019. After Post-Mortem, the dead body of the deceased was handed over to the family members for cremation. Rail police investigated the case and submitted Final Report stating the case to be true and the fact that deceased fell down from running express train on 19-10-2019 and sustained injuries and died on the spot. The deceased died leaving behind his legal heir....."(Reproduced as verbatim).



3. **Respondent's Reply:** On receipt of notice, the Respondent Railway has submitted statutory report along with their written statement wherein in their preliminary objections they have mentioned as under:-

..."That, the present O.A. filed by the applicant is not maintainable either on facts or on law. As such this is the fit case to be dismissed as having no merit. That, all the statements and allegations made in the instant application are hereby denied. Save and except the facts which are specifically admitted by the respondents. That, the statements made in Column I is personal details of the victim and he may be asked to prove it by cogent and documentary evidence. The applicants may be asked to state the facts that no other case except it has been filed related to payment of compensation under the Railways Act, 1989. That the statements made in Column no. II of the application are travel details of the deceased and details of ticket is given in Column II Para 1(b) of the application must be verified. That it is submitted that facts submitted in the O.A and findings came out of the detailed enquiry conducted by the respondent is sufficient to prove that the applicant has filed false and fabricated case on amongst the following ground: -

- a. That no journey details of deceased is available on record.
- b. That the deceased died by his own fault or negligence in which respondent cannot be responsible.
- c. That Inquest Report has been prepared in presence of those witnesses who were not eye witness to the incident.
- d. That there is no eye witness to the whole story.
- e. That the deceased get injured or hit by any running train while unauthorized use the Railway Track.

That with regards to averment made in Column I paragraph no.7 of the O.A it is stated that the applicants shall be called upon to prove that the identity and relationship for victim. That the applicant is legally not entitled to any relief as claimed in Column VII of the claim application. In view of the facts stated above the respondent railway cannot be saddled with any liability and the applicant is not entitled to get any compensation under the Railways Act, 1989. That the claim is barred by the principle of estoppels, waivers and acquiescence. That the respondents further submit that the untoward incident is not admitted, the alleged incident is not coming under the provisions of Section 123(C) of the Railway Act. 1989. It



is neither an accident nor an untoward incident for which claims of compensation under section 124 A of the Railways Act, 1989 is not admissible. That the applicant has not put any strict proof that the cause of the incident was not due to conditions as defined under (a) to (e) of Section 124 A of Railways Act, 1989 otherwise victim should come under (a) to (e) of Section 124A of Railways Act, 1989. The applicant is trying to get unlawful gain and he should be punished U/S 148 of the Railway Act." (Reproduced as verbatim).

4. On the pleading of both parties, the following issues were framed on 05/01/2024:-

1. क्या मृतक प्रश्नगत रेलगाड़ी का सद्भावी यात्री था ?
2. क्या मृतक की मृत्यु से सम्बन्धित बन्धत घटना रेल अधिनियम 1989 की धारा 123 (C) (2) सपठित धारा 124-ए के अन्तर्गत परिभाषित अनपेक्षित घटना की परिधि में आती है।
3. मृतक के आश्रित कौन-कौन है ?
4. आश्रितगण किस उपशम को प्राप्त करने के अधिकारी है ?

5. To prove their case, Rubi Devi, wife of the deceased was cross examined by the Counsel for the Respondent Sri Radhika Raman on 14/11/2024. He deposed as under: -

"..... मृतक धमेन्द्र पासवान मेरे पति थे। यह मुकदमा मैंने किया है। प्रस्तुत दावा के अलावा मुआवजा के वास्ते किसी अन्य न्यायालय में मुकदमा नहीं किया है। जिस दिन पति के साथ दुर्घटना हुई उस दिन मैं घर पर थी। मैंने अपने पति को टिकट कटाते गाड़ी से सफर करते हुए अपनी आंखों से नहीं देखी है। मुझे एक पुत्र है जिसका नाम आयुष कुमार है। सास का नाम शांति देवी है। ससुर जीवित नहीं है।....." (Reproduced as verbatim)

6. She filed affidavit on 14/11/2024 which is reproduce as under: -

".....यह कि मेरे पति दिनांक 19.10.19 को वैध टिकट नं० URD75364947 से अनुग्रह नारायण रोड से जालंधर सिटी रेल गाड़ी से जा रहे थे। यह कि ज्योहि रेलगाड़ी पोल नं० 701/22-24 के मध्य चुनर मिर्जापुर के पास पहुँची गाड़ी में अधिक भीड़ होने के कारण मेरे पति चलती गाड़ी से गिरकरबुरी हो गये जिसके कारण उनका मृत्यु हो गया। यह कि यात्रा के दौरान उनका बैग भी लापाता हो गया जिसमें उनका रूपया और कागजात भी थे।....." (Reproduced as verbatim)

7. The Respondent railway has not produced any Railway witness and the DRM investigation report has been exhibited. The conclusion drawn in DRM's report are as under: -

".....जाँच कार्यवाही घटना दिनांक 19.10.2019 के सम्बन्ध में जाँच अधिकारी द्वारा संकलित किये गये दस्तावेजों एवं साक्ष्यों तथा दावाकर्ता के दर्ज किये अभिकथन तथा पुलिस द्वारा भरे गये पंचायतनामा के आधार पर मृतक धमेन्द्र पासवान की मृत्यु दिनांक 19.10.2019 को कैलहट चुनार के मध्य कि०मी० नं० 701/22-24 पर होना प्रमाणित हुआ है। दौराने जाँच कार्यवाही घटना उपरोक्त का कोई प्रत्यदर्शी एवं गवाह प्रकाश में नहीं आया है, जिससे की मृतक उपरोक्त की मृत्यु एवं घटना की परिस्थिति स्पष्ट हो सके। रे०सु०ब० पोस्ट चुनार द्वारा की गयी मौके की कार्यवाही एवं पुलिस द्वारा भरे गये पंचायतनामा में मृतक के पास से दिनांक 18.10.2019 को अनुग्रह नारायण रोड स्टेशन से जारी सामान्य रेलवे यात्रा टिकट सं० URD 75364967 Ex Anugraha Narayan to Jalandhar city तक का बरामद हुआ है।....." (Reproduced as verbatim)

8. **Findings with reasons:** -: I have carefully gone through the pleadings of the parties, material made available on record, evidence adduced on behalf of the Applicants as well as Respondent and heard the arguments on both sides through hybrid mode. My findings on the aforesaid issues are as under.

8.1. **Issue No.1 & 2:** These two issues are interconnected hence taken up together for discussion and decision: -

8.1. The Applicant counsel mentioned that on 19/10/2019 the deceased arrived Anugraha Narayan Road railway station for traveling from Anugraha Narayan Road to Jalandhar City Junction via Delhi and he purchased journey ticket for said destination and boarded in a Express train and when the said train reached near about 3 KM east in between Pillar No. 701/24 to 401/22 Janpad Mirajapur Chunar Junction he accidentally fell down due to heavy rush and sudden jerk and sustained severe injuries and died on the spot.

8.2. The deceased was travelling as bona fide passenger with the valid journey ticket bearing No. URD 75364967 from Anugraha Narayan to Jalandhar City which was issued from Anugraha Narayan Road on 18/10/2019. The Respondent Railway has verified the said ticket from Chief Booking Supervisor, Anugraha Narayan Road and has found that it is a genuine and correct one and the Respondent Railway has not raised any dispute over the said ticket nor adduced any evidence to prove anything

otherwise. These facts prove the bonafide and confirmation of untoward incident occurred on 19/10/2019 and are enough to prove that the deceased sustained injuries in the incident and died on the spot, which is covered under the definition of untoward incident as defined under Section 123 (c)(2) of Railways Act.

8.3. The Respondent Counsel mentioned that it is evident from the memo issued by Dy. Station Master of Chunar railway station based upon the written report of on duty Token Porter regarding lying of one dead body at KM No. 701/24-22 between Chunar-Kailahat sections. However, the Respondent Railway counsel fairly admitted that one ticket was recovered from the possession of the deceased along with other articles like Aadhaar card from spot of incident by the police. The conclusion of DRM report mentioned the details of journey ticket, recovery of articles and the reason for falling down of the victim.

8.4. The Applicant Counsel further mentioned that form 2 of the statutory report of DRM clearly mentions under Item No. 2 as "दुर्घटनावश गिर जाना" and item 20 regarding recovery of ticket number URD-75364967.

Keeping all these in view, it is clear that the victim was travelling as a bonafide passenger from Anugrah Narayan to Jalandhar City and had sustained serious injuries and died on the spot in an untoward incident as defined under Section. The Respondent Railway Counsel fairly admitted the bona fide and recordings in Form 2 attached with statutory report of DRM.

8.5. **Issue Nos. 3 & 4:** The original claim application has been filed by the Applicants, (wife, widow mother and minor son of the deceased) and they have filed their respective Aadhar Cards in support of their identity and relationship with the deceased. The AW1 in her affidavit deposed that they have filed the claim application along with her widow mother in law and minor son. Her father in law (father of the deceased) is pre-deceased. In this regard, no dispute has been raised by the Respondent regarding dependency. Nor anyone else has approached this Tribunal for the claim. Hence, the Applicants being the children are held to be the sole 'dependents' of the deceased within the meaning of Section 123 (b) (i) of the Railways Act, 1989 and they are entitled to get compensation of Rs.8,00,000/- (Eight Lakhs) as prescribed under part I of the Schedule appended to Rule 3 (3) of the Railway Accidents and Untoward Incident

(Compensation) Rules 1990 (as amended on 22/12/2016, applicable w.e.f. 01/01/2017). Both these issues are decided accordingly. Hence ordered.

9. **ORDER:** The Applicants are entitled to get compensation of Rs.8,00,000/- (Rupees Eight Lakhs) along with the simple interest @ 9% per annum from the date of condonation of delay i.e 03/04/2023 till the date of payment.

The awarded amount shall be distributed in the following manner: -

1. **RUBI DEVI**, wife of the deceased : Rs. 5,00,000/-
 2. **SHANTI DEVI**, mother of the deceased : Rs. 1,00,000/-
 3. **AYUSH KUMAR**, minor son of the deceased : Rs. 2,00,000/-
- Rs. 8,00,000/-**

9.1. The Hon'ble High Court of Delhi in the case of Geeta Devi Vs Union of India, has laid 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:

Rule-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 sub-serve 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.

The disbursements will be made in the following manner keeping in view the broad guidelines laid down as per the Judgment of Delhi High Court in FAO No. 22/2015 and CM Application No. 4501/2015 in Geeta Devi Vs Union of India.

9.2. The Applicants No. 1 (Rubi Devi), wife of the deceased is permitted to withdraw 10% of her awarded amount, i.e. Rs. 50,000/- (Rupees Fifty Thousand) along with proportionate share in interest if any, which will be deposited in her Savings Bank A/c opened in any nationalized bank near her place of permanent residence by ECS/NEFT. Accordingly, it is ordered that the balance amount of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand) shall be split into 45 fixed deposits of Rs. 10,000/- (Rupees Ten Thousand) and invested for a period of 1 to 45 months in ascending order. The bank shall release the amount with accumulated interest upon maturity of the deposits to the credit of the bank account of the Applicant Nos. 1, wife of the deceased.

9.3. The Applicant Nos. 2 (Shanti Devi), widow mother of the deceased is permitted to withdraw 10% of her awarded amount, i.e. Rs.10,000/- (Rupees Ten Thousand only) along with proportionate share in interest if any, which will be deposited in her savings Bank A/c opened in any nationalized bank near her place of permanent residence. The balance amount of Rs. 90,000/- (Rupees Ninety Thousand only) shall be invested in 45 fixed deposits of Rs. 2,000/- (Rupees Two Thousands) and invested for a period of 1 to 45 months in ascending order. The bank shall release the amount with accumulated interest upon maturity of the deposits to the credit of the bank account of the Applicant Nos. 2, mother of the deceased.

9.4. The compensation amount of Rs. 2,00,000/- (Rupees Two Lakh) awarded in favour of Applicant Nos. 3, minor son of the deceased (Ayush Kumar), along with proportionate share of interest shall be invested in the shape of a FDR in his name in any Nationalized Bank near his place of permanent residence till he attains the status of major under guardianship of his natural mother i.e. Rubi Devi (Applicant No. 1). Upon his attaining majority, the proceeds with accumulated interest will be transferred to the savings bank account of Applicant Nos. 3, minor son of the deceased.



9.5. In order to safeguard the Applicants from any kind of exploitation at the hands of unscrupulous elements operating in the field, it is imperative that the bank account is operated close to the place of residence and not opened at any location which is far away from the place of their residence while being near the place of residence of such persons intending to exploit them by targeting the bulk funds available with them out of the award. The Applicants will be at liberty to seek withdrawal of the funds held in the fixed deposits in the event of any exigencies, for which they have to apply specifically citing reasons and the Tribunal may consider modifications in the manner of disbursements under clause 5.3 of the Gazette of India Notification dated 03.06.2020.

9.6. The Respondent Railway (North Central) is directed to deposit the awarded amount within 60 days from the date of communication of this award with the Registry of Patna Bench. The Applicants are eligible for interest @ 9% per annum from the date of condonation of delay i.e. on (03/04/2024) till the date of actual deposit of the awarded amount with the Registry of Patna Bench.

9.7. The Applicants are directed to open savings bank accounts in a Nationalized bank near the place of their permanent residence. The bank is directed not to permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the claimants i.e. the saving bank account of the claimants shall be an individual saving bank account and not a joint account.

9.8. The concerned bank is directed not to issue any cheque book (s) and /or debit card (s) to the claimants. If the same have already been issued, the bank is directed to cancel the same before the disbursement of the award amount and the bank shall freeze the account of the claimants so that no debit card is issued in respect of the account of the claimants from any other branch of the bank. The bank should make an endorsement on the passbook of the claimants to the effect that no cheque book and/or debit card have been issued to the claimants and shall not be issued without the permission of RCT. The concerned bank of the claimant is directed to permit the claimants to withdraw money from their savings bank account by means of a withdrawal form only. The claimants are directed to produce the copy of the order passed by the RCT before the concerned



bank whereupon the bank is directed to make an endorsement on the passbook.

9.9. The original fixed deposit shall be retained by the bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by the bank to the claimant. The monthly interest to be credited by ECS in the saving bank account of the claimant near the place of her residence. The maturity amount of the FDRs will be credited by ECS in the savings bank account of the claimants near the place of their residence. The bank shall not grant any loan, advance, withdrawal or premature discharge on the fixed deposit without permission of the RCT.

9.10. If the Claimants are entitled to exemption of deduction of TDS, they shall submit form 15 G or form 15 H (for senior citizen) to the Presenting Officer of the respondent railway (as applicable under sub section (2) of Section 19 of the Railway Claims Tribunal Act, 1987), so that no TDS may be deducted.

9.11. Directions contained above are in conformity with the Ministry of Railways (Railway Board) notification dated 3rd June, 2020 under GSR 347 (E) which has come into effect on 1st day of January 2020.

9.12. Accordingly, the claim application filed by the Applicants is allowed and stands disposed of. The Registry is directed to send the certified copy of this judgement directly to the Applicants in their residential address. Pronounced in the open tribunal today on 10/09/2025.

9.13. Fix. 21/11/2025 for compliance on the points as mentioned in the judgement above.



Syed Nishat Ali

Hon'ble Member (Technical),

RCT/Nagpur Bench at BBS

Acting as Circuit Bench of RCT, Patna

Pronounced in open Court on 10.09.2025

Bhubaneswar



RAILWAY CLAIMS TRIBUNAL, BHUBANESWAR
ACTING AS CIRCUIT BENCH OF RCT, PATNA

ORDER SHEET

Nature of application _____ Number No. OA (IIU)/PNBE/152 of 2023, Rubi Devi & others, versus- UOI/GM/ North Central Railway, Prayagraj, Allahabad, Uttar Pradesh.

Date	Proceeding of the Bench	Notes of the Registrar
10.09.25	Judgment pronounced vide separate sheet attached to the record. The O.A. is allowed on contest on its merit for Rs. 8,00,000/- (Rupees Eight Lakh only) in favour of the Applicants along with interest @ 9% per annum from the date of condonation of delay i.e. (03/04/2023) till date of payment without costs. The Respondent Railway i.e. (North Central) is directed to deposit the awarded amount within 60 days from the date of communication of this award with the Registry of Patna Bench. Fix 21/11/2025 for compliance on the following points: - <u>For the Applicants: -</u> 1) Production of Bank Account details opened near their place of permanent residence. Passbook must contain the necessary endorsement by the Branch Manager of the concerned bank that "No cheque book and/or debit card has been issued." If it has already been issued, there should be endorsement that "cheque book and/or debit card has been cancelled and the same shall not be issued without the permission of the RCT." The endorsement must be signed and stamped by the bank official. 2) Production of Aadhaar Card and PAN Card or any other appropriate I.D.Card. 3) Two sets of photographs and specimen signatures of the Applicants. <u>For the Respondent Railway</u> The Respondent Railway shall place on record the proof of deposit of the awarded amount with upto date interest along with a calculation sheet. - <i>Free copy of this order be served to both sides.</i>  (Syed Nishat Ali) Member (Technical), RCT/Nagpur Acting as Circuit Bench of RCT, BBS <u>Dt: 10/09/2025</u>	