

**Before Railway Claims Tribunal, Ahmedabad Bench (as Circuit Bench of Railway Claims Tribunal, Patna Bench (parent bench of this case)) through Hybrid Mode hearing**

Coram : Shri Virendra Kumar Goyal, Hon'ble Member (Judicial)  
Shri Pravinchandra N Parmar, Hon'ble Member (Technical)

**CASE No. OA(IIu)/PNBE/160/2024**

Date of Institution: 16.04.2024

Date of Judgment: 22.01.2026

**Md. Haidar @ Haidar S/o Idris Nadaf @ Mohd. Idris**, Aged about - 32 yrs.

Residing at Village – Chakalebaini, Ward No. 05,

Chakla Waini, P.O. & P.S. – Baini, Block - Pusa,

District – Samastipur, Bihar - 848131.

.....APPLICANT

**-VERSUS-**

**Union of India** Through General Manager,

East Central Railway, Hajipur Bihar.

.....RESPONDENT

**CLAIM FOR Rs. 8,00,000/- with interest**

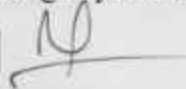
Dr. Girishkumar Thakur, Ld. Counsel for Applicant

Mr. Alok Kumar Jha, Ld. Counsel for the Respondent.

**JUDGEMENT**

This Original Application has been filed by Applicant/Injured himself i.e. Md. Haidar @ Haidar S/o Idris Nadaf @ Mohd. Idris, Aged – 32 years under section 16 of the Railway Claim Tribunal Act, 1987, for compensation from the Respondent Railway on account of alleged injuries suffered by him in an alleged untoward incident during alleged train journey.

2. Initially this O.A. was filed before the RCT/Patna Bench. Subsequently upon directions of the Hon'ble Chairman/Principal Bench – Delhi, vide order dated 05.01.2026 assigned this case to RCT/Ahmedabad for disposal within the time stipulated in the said order through hybrid mode. This Tribunal received the original file on 13.01.2026. Thereafter, the Ld. Counsels for both parties appeared through hybrid mode to argue their case.

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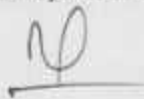


**3. Basic details relating to incident as contained and alleged in the Application: -**

- a) **Date of incident:** 14.08.2023
- b) **Person Injured:** Haidar @ Md. Haidar, Aged – 32 yrs.
- c) **Relationship of the Applicant with the injured:** Applicant/Injured Self.
- d) **Train involved and transit details:** On 14.08.2023, the Applicant was travelling by train bearing No. 05255 from Khudiram Bose Pusa to Muzaffarpur railway station with valid and proper travelling ticket bearing No. URF - 66070949.
- e) **Untoward incident narrated:** On 14.08.2023, during course of journey, when the train started running from Khudiram Bose Pusa railway station at that time due to heavy rush and push of the passengers in the compartment of the train, the injured lost his balance and accidentally fell down from the running train. He sustained grievous injuries and his both legs cut down by the wheels of the train and separated from the body. Thereafter, the injured was taken to Chandrakala Hospital of Mohanpur for medical treatment with the help of passengers and Police.

**4. Salient features of reply:**

- a) **Averments in reply:** In Written Statement, the Respondent pleaded that the deceased was not a bonafide passenger as ticket was managed and the Respondent has denied occurrence of any Untoward Incident as there was no eye-witness of the occurrence and also denied its liabilities to pay compensation. The Respondent submitted that as per TSR, the train arrived at the station later on and before that as per case of the Applicant, the incident had already taken place. The Respondent further submitted that there was no Memo of occurrence made, nor any railway authority including Train Manager or employee had reported to the occurrence.





**5. From the pleadings, following issues were framed.**

1. क्या घायल व्यक्ति प्रश्नगत रेलगाड़ी का सद्भावी यात्री था?
2. क्या घायल व्यक्ति सम्बन्धित घटना रेल अधिनियम 1989 की धारा 123 (C) (2) संपठित धारा 124-ए के अन्तर्गत परिभाषित अनपेक्षित घटना की परिधि में आती है।
3. घायल व्यक्ति को कौन-कौन सी चोटें आयी हैं।
4. यात्रीगण किस उपशम को प्राप्त करने के अधिकारी हैं?
5. रिलीफ?

**6. Applicant's Evidence and Respondent Evidence:** The Applicant has filed his own affidavit as AW/1 on lines of pleadings set up in OA and Shri Mohammed Afroj has filed his affidavit as AW/2 and examined them. They have been cross-examined by the counsel for the Respondent.

Counsel for the Respondent has opted not to adduce any oral evidence but has relied upon its DRM Report & Documents annexed thereof.

**7. Description of the documents filed by Applicants and the Respondent are as under.**

- a. The documents filed by the Applicant i.e. Aadhar card and Bank Passbook of the Applicant, Disability Certificate, Original Ticket, Fardbeyan and Enquiry Report, Discharge Summery, Documents of Treatment and Cash Memo.
- b. The Respondent filed the Statutory DRM Report along with the Investigation Report and document exhibited thereto as Exh.R/1.

**FINDINGS**

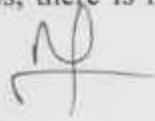
8. We have gone through the case file carefully and perused the pleadings of the parties and documents placed on record by the parties and heard the arguments put forth by the learned counsel for both the parties. Our findings on the above issues are as under: -

**Regarding Issue No. 1 & 2**

9. These two issues are being taken up together for the sake of convenience and as also these are interrelated.

10. It is the case of the Applicant that on 14.08.2023, the Applicant was travelling by train bearing No. 05255 from Khudiram Bose Pusa to Muzaffarpur railway station with valid and proper travelling ticket bearing No. URF - 66070949. During course of journey, on 14.08.2023, when the train started running from Khudiram Bose Pusa railway station at that time due to heavy rush and push of the passengers in the compartment of the train, the injured lost his balance and accidentally fell down from the running train. He sustained grievous injuries and his both legs cut down by the wheels of the train and separated from the body. Thereafter, the injured was taken to Chandrakala Hospital of Mohanpur for medical treatment with the help of passengers and Police.

11. In this case, the Applicant has produced the original railway travelling ticket bearing No. URF - 66070949 dated 14.08.2023 by which the Applicant was to travel from Khudiram Bose Pusa to Muzaffarpur railway station. Further, AW/2, Shri Mohammed Afroj has deposed in his affidavit that the Applicant purchased the ticket in his presence, however, during cross examination of the witness no question or suggestion whatsoever has been put-forth by the Respondent regarding the ticket or bonafide status of the Applicant. Even in point No. 20 and 21 of the untoward incident report prepared by the investigation officer, it is clearly disclosed that the ticket was recovered from the Applicant and was verified by the Commercial Superintendent of Khudiram Bose Pusa Railway Station and it was found to be genuine. It was for the Respondent to demonstrate that the ticket was not valid or that the passenger was not a bona-fide passenger or that the ticket was not purchased by the Applicant. However, the Respondent did not succeed to discharge the burden. There is no contrary evidence or material available on record to falsify the theory of purchasing ticket put-forth on behalf of Applicant. In such circumstances, there is no impediment to conclude that the deceased was a



bona-fide passenger, as defined in sec. 2 (29) of the Railways Act as well as Explanation (ii) to sec.124-A of the Railways Act.

12. So far as, the issue with regard to the untoward incident, the Respondent Railway have taken the defense that as per TSR, the train arrived at the station later on and before that as per case of the Applicant, the incident had already taken place. So, we have to rely upon the facts and documents available and circumstantial evidence. In the Police Investigation Report, it is revealed that the Applicant fell down from the train due to push of the passengers. The contention of respondent is that as per TSR, the train arrived at 07:00 hrs. however, this conclusion of timing of incident of 06:00 hrs. is based upon the RPF Report. It is noticeable that RPF have made the entry of this incident in their Daily Diary at 14:50 hrs. showing the timing of incident around 06:00 hrs., on the basis of information from the local people, however the RPF personnel did not report this incident immediately to the station authority as there was no incident has been reported according to their record. The respondent has failed to examined the RPF personnel who had made the entry in the diary and mentioned the time of incident to prove their defense. So, the allegation regarding difference in timing of the incident and train timing cannot be considered. Even, the Respondent has failed to put-forth any question or suggestion regarding the timing of train and the incident during the cross-examination of A/W 1 (applicant injured) and AW/2 who deposed that he was with the Applicant in railway station. It was the responsibility of the Respondent Railway to prove that the Applicant was not traveling by any train and he was dashed or hit by any train by adducing cogent and reliable evidence. The argument advanced on behalf of the Respondent Railway appears to be hypothetical and imaginary. The Respondent has failed to produce any direct evidence i.e. Loco Pilot or Train Manager and in the absence of any direct evidence to the alleged falling down incident, the matter is to be decided from the attending circumstances of this case, which does bring out that there is a

preponderance of probability of the Applicant having being fallen down from the train. So, we find no legal impediment to say that Applicant was travelling in a train and during the course of journey he might have accidentally fell down from the running train and the said incident would come within the ambit of untoward incident.

13. On the basis of facts spelled out by the Id. counsel for the parties, the documents on record and probability of preponderance, we are of the view, that the injured/applicant was a bonafide passenger of the train in question and this case is covered by the definition of the untoward incident as defined u/s 123 (c) (2) of The Railways Act, 1989. Accordingly, issue no. 1 & 2 are decided in favour of the Applicant.

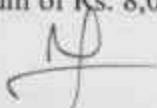
**Regarding Issue No. 3, 4 & 5**

14. Case in hand has been filed before this Tribunal by the injured/applicant on account of injuries suffered by him in an untoward incident. The Applicant has deposed as A/W1 that due to said untoward incident, he sustained serious injuries on his body. The document placed on record i.e. Disability Certificate and Discharge Summary of Mata Chandrakala Hospital, Samastipur and from the perusal of the same, it is amply clear that applicant/injured had suffered Below Knee Amputation of Both Legs.

15. Injuries of Below Knee Amputation of Both Legs would classify under Item No. 3 (For double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot) for which an amount of Rs. 8,00,000/- (Rs. Eight Lakh) is prescribed under Part-II of the Schedule appended to Rule 3 of the Railway Accidents and Untoward incidents (Compensation) Rules 1990 as amended on 22.12.2016 vide notification of Govt. of India dated 22.12.2016 w.e.f. 01.01.2017.

**ORDER**

16. The claim application is allowed. The Respondent shall pay to the Applicant a sum of Rs. 8,00,000/- (Rs. Eight Lakh) only as compensation as per

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per apportionment given below within 60 days from the date of this order. The awarded sum will carry simple interest @ 9% per annum from the date of incident i.e. 14.08.2023 till the date of this order. If the Respondent Railway fails to pay the amount within above stipulated time (60 days), the awarded sum will carry simple interest @ 9% per annum from the date of incident till the date of realization.

17. The Respondent Railway Administration is directed to deposit the whole amount along with interest with the Registry of RCT/Patna within a period of 60 days from the date of this order. Further the Respondent is directed to place the proof of awarded amount on record with up-to-date interest along with the calculation sheet.

18. The Registry is directed to disburse the total compensation amount as per detailed apportionment as given below:

| Applicants' Name                                                           | Awarded Amount                                                  | Amount to be given through ECS/NEFT                                | Amount to be invested under Fixed Deposit                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant<br>Md. Haidar<br>@ Haidar<br>S/o Idris<br>Nadaf @<br>Mohd. Idris | Rs.<br>8,00,000/-<br>(Rs. Eight Lakh) +<br>accrued<br>interest. | Rs.<br>80,000/-<br>(Rs. Eighty Thousand)<br>+ accrued<br>interest. | The balance of Rs. 7,20,000/- (Rs. Seven Lakh Twenty Thousand) only shall be deposited in Fixed Deposit in the name of Applicant for the period of 3 (Three) years. The Applicant shall be at liberty to receive interest accruing on FDR from time to time according to his convenience. Upon maturity, Bank shall release the FDR amount along with interest if any, into saving Bank A/c of the Applicant. |

19. The Applicant(s) is/are hereby directed to furnish the particulars of his/her/their savings bank account of a Nationalized bank near to his/her/their permanent place of residence along with a copy of Aadhar Card, PAN card, two photographs, specimen signature and pass book of the bank with necessary endorsement of the bank that no debit card/Cheque book has been issued, with the Registry of Patna. The Applicant(s) is/are directed to produce the copy of

the order passed by the Tribunal before the concerned bank whereupon the bank is directed to make an endorsement on the passbook.

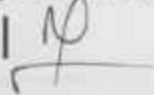
20. The Registry is directed to defer the disbursement of award amount till the passbook of saving bank account of the claimant(s) in a bank near the place of his/her/their permanent residence is not produced along with necessary endorsement.

21. The Registry is further directed to ensure that the statement containing FDR number/FDR amount/date of maturity and maturity amount shall be furnished by the Bank to the claimant(s).

22. Further, we deem it proper to direct the concerned bank that:

- (a) The Bank shall not permit any joint name to be added in the savings bank account or fixed deposit amount of the claimant(s) i.e. savings bank account of the claimant(s) shall be an individual bank account and not joint account.
- (b) The bank shall not issue any Cheque book and debit card to the claimant(s). However, in case the debit card or Cheque book has already been issued, bank shall cancel the same before the disbursement of the awarded amount.
- (c) No loan, advance, withdrawal or premature discharge is allowed on fixed deposit without the permission of the court.
- (d) The bank shall make an endorsement on the pass book of the claimant(s) to the effect that no Cheque book and/or debit card have been issued.
- (e) The statement containing FDR number/FDR amount/date of maturity and maturity amount shall be furnished to the claimant(s).

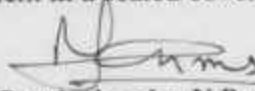
23. The Registry is directed to send a free certified copy of this judgment directly to the Respondent and the Applicant(s) at his/her/their postal address mentioned in the claim application by Registered A.D. in view of Rule 34(3) of the Railway Claims Tribunal (Procedure) Rules, 1989.

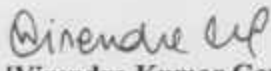
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24. In terms of the above, the present claim application is disposed of. ADR/RCT – Ahmedabad is directed to send the original file along with the judgment in a sealed cover to the RCT – Patna Bench.

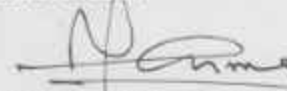
  
[Pravinchandra N Parmar]  
Member (Technical)

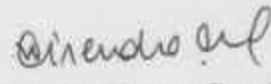
  
[Virendra Kumar Goyal]  
Member (Judicial)

Judgment pronounced through virtual mode and signed in open court today i.e. on 22.01.2026.

Place: Ahmedabad

Date: 22.01.2026.

  
[Pravinchandra N Parmar]  
Member (Technical)

  
[Virendra Kumar Goyal]  
Member (Judicial)

**Before Railway Claims Tribunal, Ahmedabad Bench {as Circuit Bench of  
Railway Claims Tribunal, Patna Bench (parent bench of this case)}  
through virtual mode hearing.**

**ORDER SHEET**

Case Number – OA(llu)/PNBE/160/2024, Md. Haidar @ Haidar S/o Idris Nadaf  
@ Mohd. Idris versus - UOI

**Date : 22.01.2026**

The judgment is pronounced in this case through virtual mode from  
RCT/Ahmedabad.

Vide separate detailed order, the OA stands allowed.

After complete verification of the claimant(s), RCT/Patna office will release the  
payments to the claimant(s) within 90 days from the date of verification of all  
documents or from the date of receipt of confirmation of payment received from  
the Respondent Railway whichever is later.

  
(Pravinchandra N Parmar)  
Member (Technical)

  
(Virendra Kumar Goyal)  
Member (Judicial)