

Coram: Shri Virendra Kumar Goyal, Hon'ble Member (Judicial)

CASE No. OA/IIu/PNBE/210/2022

Date of filing : 29.06.2022

Date of Decision: 28.07.2025

1. Ritu Devi, Aged- about 35 yrs.
(Wife of the deceased)
2. Suman Kumar, Aged- about 17 yrs.
(Son of the deceased, applying under guardianship of his legal and natural guardian mother i.e. applicant No.1)
3. Anjali Kumari, Aged- about 15 yrs.
(Daughter of the deceased, applying under guardianship of her legal and natural guardian mother i.e. applicant No.1)
4. Sandeep Kumar, Aged- about 12 yrs.
(Son of the deceased, applying under guardianship of his legal and natural guardian mother i.e. applicant No.1)
5. Somari Devi, Aged- about 70 yrs.
(Mother of the deceased)
6. Lila, Aged- about 72 yrs.
(Father of the deceased)

All are resident of: Village-Nimadohar, Ward No.07, Post -Dhibar, Police Station-
Fatehpur, District-Gaya, Bihar-824232. Applicants

Versus

Union of India Through General Manager,
East Central Railway, Hajipur.

..... Respondent

Appearance:

Mr. Pramod Kumar, Ld. counsel for the Applicants, through virtual mode.

Mr. Radhika Raman, Ld. counsel for the Respondent, through virtual mode.

CLAIM FOR ₹ 8,00,000/-+ interest

Judgment

daughter & parents of the deceased under Section 16 of Railway Claims Tribunal Act, 1987 seeking compensation of ₹ 8,00,000/- + interest on account of death of Yogendra Yadav @ Yojendra Yadav s/o Lila Yadav, aged 43 years (hereinafter referred to as 'deceased') in an alleged untoward incident, on the ground of dependency upon the deceased.

2. Initially, this OA has been filed before RCT/Patna Bench thereafter the case was transferred at RCT/Principal Bench-Delhi. Upon directions of Hon'ble Chairman, RCT/Principal Bench-Delhi, referred this case to RCT/Ahmedabad vide order dated 01.07.2025, for expeditious adjudication and disposal within time stipulated in the said order through hybrid mode. The original file was received on 08.07.2025 by this Tribunal. Thereafter the Ld. counsel for both the parties appeared through virtual mode to argue their case.

3. Briefly stated the facts of the case as pleaded in the claim application are that, the deceased was travelling alongwith other two co-passengers from Banshinala Halt Railway Station to Koderma Railway Station holding a journey ticket bearing No.49334, by train No.13546 Gaya-Aasansol Memu train. On that day due to heavy rush in the train, he was standing near the door of the compartment. During the course of journey, when the said train was running near Dhaneta Village, due to sudden jolt and heavy rush he lost his balance and accidentally fell down from the said train and died on the spot. In these consequences, the Applicants being the dependents are entitled to the compensation.

4. The Respondent Railway has contested the claim and filed written statement and denied bonafide passenger status of the deceased and its liability with defence that the deceased got injured by his own fault or negligence, for which respondent cannot be held responsible. It is also stated that there is no any eye witness to the whole story or case of the applicants. The deceased was not travelling in any train and he got injured by runover while unauthorizedly crossing the Railway track.

ISSUES:

1. क्या मृतक प्रश्नगत रेलगाड़ी का सद्भावी यात्री था ?
 2. क्या मृतक की मृत्यु से संबंधित घटना रेल अधिनियम 1989 की धारा 123 (d) (2) सपठित धारा 124-ए के अंतर्गत परिभाषित अनपेक्षित घटना की परिधि में आती है ?
 3. मृतक के आश्रित कौन-कौन हैं ?
 4. आश्रितगण किस उपशम को प्राप्त करने के अधिकारी हैं ?
6. **Applicant's Evidence:** Applicant no.1, wife of the deceased, has filed her own examination-in-chief on affidavit as AW/1 on the lines of facts stated in the OA and also filed examination-in-chief on affidavit of one Pukar Prasad as AW/2. Both were cross examined by the counsel for the Respondent.
7. **Respondent Evidence:** The Respondent Railway has opted not to adduce any oral evidence but has relied on the DRM report (Exh.R/1) and documents annexed thereto.
8. **Documents filed by the Parties:**
- a. The Applicants filed a copy of; Memo, journey ticket, Challan and Post Mortem Report, Dependency and Aadhar Card of the deceased, Aadhar Card and Bank Details of the applicants.
 - b. The Respondent filed the Statutory DRM report along with the Investigation report and documents annexed thereto as Exh.R/1.

FINDINGS

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

Issue No. 1 & 2:

10. These two issues are being taken up for consideration simultaneously, for the sake of convenience and also as these are interrelated.

other two co-passengers, from Banshinala Halt Railway Station to Koderma Railway Station holding a journey ticket bearing No.49334, by train No.13546 Gaya-Aasansol Memu train. On that day, due to heavy rush in the said train, he was standing near the door of the compartment. During the course of journey, when the said train was running near Dhaneta Village, due to sudden jolt and heavy rush he lost his balance and accidentally fell down from the said train and died on the spot:

12. The Respondent argued that the deceased got injured by his own fault or negligence, for which respondent cannot be held responsible. It is also stated that there is no any eye witness to the whole story or case of the applicants. The deceased was not travelling in any train and he got injured by runover while unauthorizedly crossing the Railway track.

13. However, the journey ticket was recovered from the possession of the deceased in the Inquest. AW/2, Pukar Prasad deposed before the bench that deceased purchased the ticket in his presence and he was the co-passenger with the deceased for the above undertaken journey. Moreover, during investigation RPF recorded the statement of Shri Abhadesh Kumar Mishra, ticket booking agent/contractor at Banshinala Halt Railway Station, who has confirmed and verified that the said ticket was sold by him on 21.03.2022 for the said train. On the other hand, the Respondent Railway has not raised any dispute over the said ticket nor adduced any evidence to prove anything otherwise. Thus, in view of the clear admission regarding the ticket being genuine, it is held that the deceased was a bona fide passenger, when the alleged incident occurred.

14. Further, AW/2, who was co-passenger of the deceased, examined him before the Bench has stated that "योगेंद्र यादव को मरते हुये मैंने स्वयं अपने आँखों से घटना घटित होते हुये देखा था ।" Form No. 2, prepared by the concerned RPF has revealed that deceased had fallen down from the train and his body was found lying between UP and Down lines. It was the responsibility of the railway respondent to prove that the deceased was not traveling by any train but crossing the railway track and met with the incident by adducing cogent and reliable evidence. The argument advanced on behalf of the railway Respondent appears

from the train while traveling.

15. In view of the facts and circumstances of this case and the preponderance of evidence on record, I have no hesitation in concluding that the deceased Yogendra Yadav @ Yojendra Yadav s/o Lila Yadav, while travelling as a bona fide passenger, had accidentally fallen down from a running train, sustained serious injuries, and died thereafter. Accordingly, the incident is covered under "untoward incident" as defined under Section 123 (c) (2) read with Section 124-A of the Railways Act, 1989.

Hence, we answer the issue Nos. 1 & 2 in the affirmative.

Issue No. 3 & 4:

16. Wife of the deceased deposed as AW-1 before the bench that she is the wife of deceased and except her, two minor sons, one minor daughter and her mother in law are also dependents upon the deceased. On perusal of record, it is revealed that in OA, the father of the deceased has been impleaded as party to the claim application. However, AW/1 deposed in Para No. 11 of the affidavit as well as in her cross examination that father of the deceased Shri Lila has been died after the incident. To support their dependency, copy of Aadhar cards of applicants have been filed by the applicants. As against this, the Respondent Railway administration did not adduce any contra evidence to show that the present Applicants are not the dependents of the deceased. So, the applicants being the wife, children and mother of the deceased are entitled to the compensation as dependents, in this case within the meaning of Section 123 (b) (i) & (ii) of the Railways Act, 1989.

17. Accordingly, the Applicants, in this case will be entitled, as dependents, to get ₹ 8,00,000/- with interest @ 9 % p.a. from the date of incident i.e. 21.03.2022 till the date of this the award as compensation from the Respondent Railway administration on account of death of Yogendra Yadav @ Yojendra Yadav as prescribed under part-I of the Schedule appended to Rule 3 (3) of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended on 22.12.2016 w.e.f. 01.01.2017. These issues are decided accordingly in favour of the Applicants.

ORDER

19. The application is allowed. The Respondent Railway shall pay to the Applicants a sum of ₹ 8,00,000/- (₹ Eight lakhs) with interest @ 9 % p.a. from the date of incident i.e. 21.03.2022 till the date of this the award as compensation, as per apportionment given below within 60 days from the date of this order.

20. 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, failing which simple interest @ 9% p.a. is entitled on the compensation amount from the date of award till the date of realization. Further the Respondent is directed to place the proof of the awarded amount on record with up to date interest along with the calculation sheet.

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

Applicant No.1 Ritu Devi	: ₹ 5,00,000/-
Applicant No.2 Suman Kumar	: ₹ 75,000/-
Applicant No.3 Anajali Kumari	: ₹ 75,000/-
Applicant No.4 Sandeep Kumar	: ₹ 75,000/-
Applicant No.5 Somari Devi	: ₹ 75,000/-
Applicant No.6 Lila	NIL
Total	: ₹ 8,00,000/-

22. Applicants No. 1, wife of the deceased and Applicant No. 5, Mother of the deceased each are permitted to withdraw 10% of their individually awarded amounts, along with their proportionate share of any accrued interest, if any, which shall be deposited into their respective savings bank accounts through ECS/NEFT. Accordingly, it is ordered that the remaining balance of Applicant No.1 awarded amount shall be invested in a Fixed Deposit Receipt (FDR) in her name with any nationalized bank for a period of three (3) years. The Bank shall credit the interest accrued on the FD on a monthly basis to the savings Bank A/c of Applicant No. 1. Further the remaining awarded amount of applicant No.5, shall be invested in a Fixed Deposit Receipt (FDR) in her name with any

release the FDR amount along with interest, if any, into savings Bank A/c of the Applicant No. 1 & 5.

Further, awarded amount of Rs.75,000/- (Rs. Seventy Five Thousand only) each of Applicant No.2, 3 & 4 (minor children of the deceased) alongwith proportionate interest, if any, will be kept in the form of fixed deposit under the guardianship of their natural and legal guardian mother i.e. Applicant No.1 till they attain the age of majority or for 3 (three) years, whichever is later. The bank upon maturity of the said FDR period shall release FDR amount along with interest in the saving bank account of Applicant No. 2, 3 & 4.

23. The Applicants/dependents are hereby directed to furnish the particulars of their savings bank account of a Nationalized bank *near to 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 Allahabad RCT Bench. The Applicants 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.

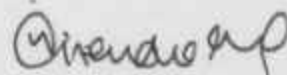
24. The Registry is directed to defer the disbursement of award amount till the passbook of saving bank account of the Applicants in a bank near the place of their permanent residence is not produced along with necessary endorsement.

25. 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 Applicant(s).

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

- (a) The Bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit amount of the Applicant i.e. savings bank account(s) of the Applicant shall be an individual bank account(s) and not joint account(s).
- (b) The Bank shall not issue any Cheque book and debit card to the Applicant. However, in case the debit card or Cheque has already been issued, the Bank shall cancel the same before the disbursement of the awarded amount.

- (d) The Bank shall make an endorsement on the pass book of the Applicant 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 Applicant. The monthly interest be credited by ECS in the savings bank account of the Applicant(s).
- (f) The Bank is directed not to permit any debit to Saving Bank of the Applicant from any electronic channel or e-payment platform and to permit the dependents to withdraw money from their savings Bank Account by means of a withdrawal form only.
27. The Registry is further directed to send a free certified copy of this judgment to the Respondent, and to the Applicants at 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. No order as to costs.
28. 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 sealed cover to RCT-Patna Bench.



[Virendra Kumar Goyal]
Member (Judicial)/RCT-Ahmedabad

Judgment is pronounced through virtual mode and signed today i.e. on 28.07.2025.

Place : Ahmedabad

Date : 28.07.2025.

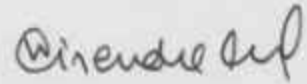


[Virendra Kumar Goyal]
Member (Judicial)/RCT-Ahmedabad

CASE No. OA/IIu/PNBE/210/2022

Date : 28.07.2025

The judgment is pronounced today in open court. Vide our separate detailed order.
OA stands allowed.



[Virendra Kumar Goyal]
Member (Judicial)/RCT-Ahmedabad