

**BEFORE THE RAILWAY CLAIMS TRIBUNAL, CHANDIGARH BENCH,
CHANDIGARH**

**CORAM: SHRI VIRENDRA KUMAR GOYAL, HON'BLE MEMBER (JUDICIAL)
RCT/ADI, CIRCUIT BENCH @ RCT/CDG
SHRI SHAILENDRA Kr. SHARMA, HON'BLE MEMBER (TECHNICAL)**

Case No: TA/20/DLI/643/2025 IN OA/IIU/PNBE/223/2022
Date of filing : 31.12.2019
Judgment reserved on: 05.08.2025
Judgment pronounced on: 08.08.2025

1. Manju Devi, wife of the deceased-Late Binod Mahto
2. Ankit Kumar, son of the deceased-Late Binod Mahto
3. Anchala Kumari, minor daughter of the deceased-Late Binod Mahto
4. Raja Kumar, minor son of the deceased-Late Binod Mahto
5. Shalu Kumari, minor daughter of the deceased- Late Binod Mahto

All are residents of village-Kuama, Ward No. 11, P.S. Piprahi, Distt.
Sheohar-84325

...Applicants

Versus

Union of India through its General Manager, East Central Railway, Hajipur

... Respondent

APPLICATION FOR CLAIM COMPENSATION

Shri Sanjay Kumar, Id. counsel for the applicants.

Shri Radhika Raman, Id. counsel for the respondent.

JUDGMENT

JUDGMENT BY SH. VIRENDRA KUMAR GOYAL, MEMBER (JUDICIAL)

1. This claim application has been filed by the applicants, under Section 16 of the Railway Claims Tribunal Act, 1987 read with Section 124-A of the Railways Act, 1989. They claim themselves to be the dependents of the deceased. They

seek compensation of Rupees Eight Lakh along-with interest @ of 9% per annum from the date of filing of the application till realisation of the amount. They seek compensation on account of death of Sh. Binod Mahto, in an alleged "Untoward Incident", while travelling by a passenger train.

2. It is averred in the claim application that on 07.08.2018, Sh. Binod Mahto (hereinafter referred to as "the deceased") was travelling from Muzaffarpur Jn. to Anand Bihar Terminal in the general compartment of the train No.12557 (Sapt Kranti Super Fast Train) of Muzaffarpur Jn.; that due to heavy rush pull and push of the passengers as well as jerk of the said train the deceased accidentally fell down from the said running train at Bettiah Station and received grievous injuries; that later on, the deceased carried to M.J.K. Hospital Bettiah, where the deceased died on 07.08.2018 during course of treatment; that as per para no. 7 of the claim petition, the deceased was travelling with a ticket no. 99622629 dt. 07.08.2018. Accordingly, the applicants have sought compensation.
3. Written statement was filed, by way of reply, wherein the respondent denied the incident and also disputed the various averments made in the claim application. It is averred in the reply that the deceased was not a bonafide passenger of the train at the time of incident; that the applicants has not produced any documentary evidence; that contents of the claim application as per indexed are not admitted as the indexed or documents are photocopies, few not readable, somewhere overwriting; that the alleged death is not an untoward incident as defined under Section 123(c)(2) read with Section 124-A of the Railways Act, 1989. Hence, it was prayed that the claim application be dismissed with costs in the interest of justice against the applicants.
4. The applicants, in support of their claim, have tendered into evidence certain documents, besides evidence by way of affidavit of Manju Devi (wife of the deceased), as AW-1. In her examination-in-chief, she has reiterated the facts mentioned in his claim petition and stated that the deceased was his husband

and she has four children. She also deposed that parents of the deceased had already died. She was duly cross-examined by learned counsel for the respondent.

5. On the other hand, the respondent also submitted various documents which include DRM's report.
6. No replication was filed by the applicants. On 28.04.2023, after examination of the pleadings, following issues were framed for adjudication:

01. क्या मृतक प्रथमतः रेलगाड़ी का सद्भावी यात्री था ?

2. क्या मृतक की मृत्यु से सम्बन्धित 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 हैं ?

4. यात्रीगण किस उपशम को प्राप्त करने के अधिकारी हैं ?

(Reproduced in verbatim)

FINDINGS

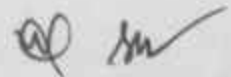
7. We have heard the arguments from both the sides and perused the material on record. Our findings on the issues are as under:

ISSUE No.1 &2

8. Both these issues are inter-connected, hence, these are disposed of simultaneously.
9. During arguments the counsel for the applicants contended that on 07.08.2018, the deceased was travelling from Muzaffarpur Jn. to Anand Bihar Terminal in train No.12557 (Sapt Kranti Super Fast Train); that due to heavy rush pull and push of the passengers as well as jerk of the said train the deceased accidentally fell down from the running train at Bettiah Station and received grievous injuries; that later on, the deceased carried to M.J.K. Hospital Bettiah,

where the deceased died on 07.08.2018. Therefore, the applicants are entitled for compensation.

10. Per contra, the counsel for the respondent argued that the deceased was not a bonafide passenger of the train at the time of incident; that the applicants have made a false case based on imaginary facts to claim compensation; that the applicants has not produced any documentary evidence; that the applicants have not produced any eye witness of the incident. He has submitted that the deceased was neither a bonafide passenger nor a victim of an "untoward incident".
11. At the very outset, it needs to be mentioned that Section 124-A of the Railway Act, 1989 (for short, "the Act") entitles a passenger to claim compensation, who has been injured or the dependants of the deceased, who has been killed in an untoward incident, as defined under section 123(c) of the Act *ibid*. The word 'passenger' has been defined under section 2(29) of the Act as 'a person travelling with a valid pass or ticket'. It is only when the fact of the injured or the deceased being a bonafide passenger of train is established, the question of payment of compensation arises, in case the incident is held to be an untoward incident.
12. After hearing both the counsels, we are inclined to agree with the contention put-forth by the counsel for the applicants. Our findings are based on following grounds:-
 - i) Firstly, to prove the bonafide status of the deceased, the applicants have placed on record a copy of the railway journey ticket no. URB99622629, Ex. Muzaffarpur Jn. to Anand Vihar, dt. 07.08.2018, which proves that the deceased was a bonafide passenger. On the other hand, the ld. counsel for the applicants submitted that the recovery of the alleged ticket from the deceased is sufficient to accord him the status of a bonafide passenger.

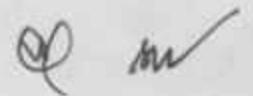


- ii) Secondly, in the concluding part of the DRM report, the railway administration has admitted that the deceased was travelling on the strength of the ticket bearing no. URB-99622629 Ex. Muzaffarpur to Anand Vihar on 07.08.2018. Moreover, the counsel for the respondent has not argued on the authenticity of the ticket which strengthens the averments made by the applicants.

For the reasons recorded here-in-above, the deceased, within the ambit of Section 2(29) of the Railways Act, 1989 was a bonafide passenger.

13. As regards "untoward incident", we are inclined to agree with the contentions put-fourth by counsel for the respondent. Our findings are based on following reasons:-

- i) Firstly, in the Inquest report, it is mentioned that: "रेलवे स्टेशन पर गाडी संख्या-12557 सप्तक्रांति से गिरने के कारण गंभीर रूप से जखमी होने के कारण ईलाज के दौरान एम.जे.के. अस्पताल में शैल्य पुरुष बार्ड में बेड न. 11 मृत्यु होना प्रतित होता है।"
- ii) Secondly, in the Form 02 of DRM's report, it is clearly mentioned in that : "Km 209/06 पर गिर गया था ।"
- iii) Thirdly, after careful scrutiny of the features available in the post-mortem report as well as Inquest Report, it is found that the deceased sustained multiple lacerated wounds and abrasions on the vital parts of his body. Moreover, the cause of death in the post-mortem report is mentioned as: "*In my opinion the cause of death due to above injuries leading to shock caused by hard ad blunt substance.*" The injuries, as described above, are possible and are indicative of sudden fall from the train and not due to being run over or hit by a fast moving train.



iv) Fourthly, in the conclusion of the DRM report, it is mentioned: घटना की पूरी जाँच परिस्थितीजन्य साक्ष्य एवं संबंधितों के बयान, राजकीय रेल पुलिस सगौली द्वारा तैयार मृत्यु समीक्षा एवं पोस्टमार्टम रिपोर्ट से यह जाहीर होता है कि दिनांक- 08.08.2018 को मृतक - विनोद महतो, उम्र-42 वर्ष, पिता आनन्दी महतो ग्राम-कूजमा, थाना- पिपराही, जिला शिहर जो साधारण टिकट सं०-यू०आर०बी०-99622629 मुजफ्फरपुर से आनंद बिहार गाडी संख्या-12557 (सप्तक्रांति एक्स) यात्रा से नीचे उतरा था। तथा गाडी प्रस्थान करने के समय दौड़ कर चलती गाडी में चढ़ने के क्रम में गिर जाने के कारण जखमी एवं उपचार हेतु एम०जे०के० अस्पताल बेतिया में भर्ती कराया गया उपचार के दौरान मृत्यु हो गई थी।"

Hence, through the factum of falling down of the deceased from the train has been admitted but respondent-railway had taken the plea that the deceased had falling down due to his own negligence. However, the plea of the ld. counsel for the respondent is not acceptable as the Railways Act fastens strict liability on the respondent and this plea of negligent act by the respondent has been dealt by the Hon'ble Supreme Court in the case titled as "Union of India vs. Rina Devi" (Civil Appeal No. 4945 of 2018 decided on May 9, 2018) wherein in para 16.6 of the judgment, the Hon'ble Supreme Court has observed as under :-

"16.6 We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory.' We may in this connection refer to judgment of this Court in United India Insurance Co. Ltd. Versus Sunil Kumar laying down that plea of negligence of

victim cannot be allowed in claim based on 'no fault theory' under Section 163A of the Motor Vehicles Act, 1988..... "

14. In the present case, there may be possibility of two interpretations to the aforesaid accident falling of the deceased, but the one that which advances the object of the statute and serves its purpose should be preferred. We are supported in our views by observations made by **Hon.ble Supreme Court in case titled as Union of India vs. Prabhakaran Vijaya Kumar and others (2008)9 SCC 527**, where the Hon.ble Supreme Court has held as under:

"No doubt, it is possible that two interpretations can be given to the expression 'accidental falling of a passenger from a train carrying passengers', the first being that it only applies when a person has actually got inside the train and thereafter falls down from the train, while the second being that it includes a situation where a person is trying to board the train and falls down while trying to do so. Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion the latter of the above mentioned two interpretations i.e. one which advances the object of the statute and serves its purpose should be preferred."

15. Therefore, in view of the evidence on record, it is held that the deceased was a bonafide passenger and died in an untoward incident" as defined under section 123(c)(2) read with Section 124-A of the Railway Act, 1989. Thus, the issue nos. 1 & 2 are decided in favour of the applicants.

ISSUES NO. 3 & 4

Both these issues are inter-connected, hence, taken up together.

16. Case in hand has been filed before the Tribunal by Manju Devi (wife of the deceased), Ankit Kumar (son of the deceased), Anchala Kumari (minor daughter of the deceased) and Raja Kumar (minor son of the deceased), Shalu

Kumari (minor daughter of the deceased), who are the only dependents of the deceased. To prove the dependency, the applicants have filed their Aadhar Cards and applicants have also filed the photo copy of dependency certificate issued by Gram Panchayat, Piprahi. On the contrary, no evidence whatsoever has been adduced on behalf of the respondent to contradict the case of the applicants on the point of the dependency of the applicants. Moreover, during the pendency of the claim application, none else appeared before the Tribunal, claiming himself/herself as dependent of the deceased.

17. Hence, in view of the amendment made in the Railway Accidents & Untoward Incidents (Compensation) Rules, 1990, vide Notification of Govt. of India published in Extra Ordinary Gazette of India, dated 22nd December, 2016, which has come into force w.e.f.01.01.2017, the applicants are entitled to receive compensation of Rs. 8,00,000/- (Rs. Eight Lakh only) along with the interest @ 9% per annum from the date of condonation of delay i.e. 09.12.2022 till the date of depositing of the entire award in the account of the Additional Registrar of this Tribunal. Both these issues are decided accordingly.

ORDER

18. In the result, the original application is allowed on contest and an award for Rs. 8,00,000/- (Rupees Eight Lakh only) along with the interest @ 9% per annum from the date of condonation of delay 09.12.2022 till the date of depositing of the entire award in the account of the Additional Registrar of this Tribunal.
19. The respondent Railway Administration is hereby directed to deposit the amount awarded with the Additional Registrar of this Tribunal within a period of 30 days.



20. It may be observed that in *Geeta Devi vs. Union of India*, Delhi High Court had 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 v. 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 subserve 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 on 3rd of June, 2020, amending Railway Accidents & 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 deposit 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 06th 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."

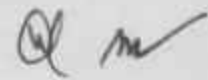
21. Therefore, relying upon the judgment rendered by Hon'ble Delhi High Court in the case of Geeta Devi and in pursuance of Rule 5 quoted above, in the present case, the amount of award along with **interest shall** be disbursed in the following manner :-

Name of the applicants	Amount to be paid to the applicant immediately through ECS by NEFT/RTGS to the SB Account.	Amount to be invested in fixed deposit scheme of Nationalized Bank and monthly interest to be credited to the SB Account.

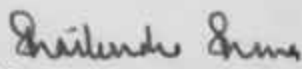
Manju Devi (wife of the deceased)	Rs. 40,000/- (Rupees forty thousand only) along with proportionate share of interest.	Rs. 3,60,000/- (Rupees Three lakh sixty thousand Only). This amount will be kept in the form of fixed deposit for a period of three years. However, the monthly interest accrued on this amount, shall be credited to her SB Account.
Ankit Kumar (son of the deceased)	Rs. 10,000/- (Rupees ten thousand only) along with proportionate share of interest.	Rs. 90,000/- (Rupees ninety thousand Only). This amount will be kept in the form of fixed deposit for a period of three years. However, the monthly interest accrued on this amount, shall be credited to his SB Account.
Anchala Kumari (minor daughter of the deceased)	-	Rs. 1,00,000/- (Rupees One Lakh Only) alongwith proportionate share of interest. This amount will be kept in the form of fixed deposit for three years or till the minor applicant attains the age of majority, whichever is later. However, the monthly interest accrued on this amount, shall be credited to SB Account of her mother i.e. Manju Devi for her maintenance and education etc.
Raja Kumar (minor son of the deceased)	-	Rs. 1,00,000/- (Rupees One Lakh Only) alongwith proportionate share of interest. This amount will be kept in the form of fixed deposit for three years or till the minor applicant attains the age of majority, whichever is later. However, the monthly interest accrued on this amount, shall be credited to SB Account of his mother i.e. Manju Devi for his maintenance and education etc.

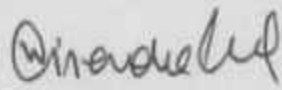
Shalu Kumari (minor daughter of the deceased)	-	Rs. 1,00,000/- (Rupees One Lakh Only) alongwith proportionate share of interest. This amount will be kept in the form of fixed deposit for three years or till the minor applicant attains the age of majority, whichever is later. However, the monthly interest accrued on this amount, shall be credited to SB Account of her mother i.e. Manju Devi for her maintenance and education etc.
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22. The applicants are hereby directed to submit the detail of his Aadhar linked Bank account of a Nationalized Bank situated nearest to his place of residence to the Additional Registrar of this Tribunal.
23. The Bank shall not permit any joint name(s) to be added in the saving Bank account or fixed deposit account of the applicants i.e. his Saving Bank Account shall be an individual Saving Bank Account and not a Joint Account.
24. The monthly interest be credited by Electronic Clearing System (ECS) in the said Saving Bank Accounts of the applicants near the place of his residence.
25. The maturity amount of the FDR be credited by Electronic Clearing System (ECS) in the said Saving Bank Accounts of the applicants.
26. No loan, advance, withdrawal, or pre-mature discharge be allowed on the fixed deposit without permission of the Tribunal.
27. The concerned 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 award amount. The Bank shall freeze the accounts of the applicants so that no debit card be issued in respect of the accounts of the applicants from any other Branch of the Bank.



28. The Bank shall issue a letter duly signed and stamped in the name of the Additional Registrar of this Tribunal to the effect that no cheque book and/or debit card have been issued or will be issued without the permission of the Tribunal and the applicants shall produce the same before the Additional Registrar of this Tribunal. The Bank is further directed to permit the applicants to withdraw money from his Saving Bank Accounts by means of a withdrawal form only.
29. The respondent Railway Administration is also directed to place on record the proof of deposit of the award amount with up to date interest, if any along with a calculation sheet and the same shall be filed with the Additional Registrar.
30. In the facts and circumstances of the case, there is, however, no order as to costs
31. Registry is directed to send a free certified copy of this judgment directly to the applicants at their postal address mentioned in the claim application by Speed Post in view of Rule 34 (3) of the Railway Claims Tribunal (Procedure) Rules, 1989.


(Shailendra Kumar Sharma)
Member Technical
RCT/CDG


(Virendra Kumar Goyal)
Member Judicial/RCT/ADI
Circuit Bench @ RCT/CDG

Pronounced in Open Court
08.08.2025