

**BEFORE THE RAILWAY CLAIMS TRIBUNAL,
PATNA BENCH.**

(Through Hybrid Mode)

Case No. O.A(IIu)/PNBE/0266/2023

Date of Filing: 30.12.2019

Date of Judgement: 19.09.2025

- 1) Md. Khalil, S/o Lt. Md. Suleman Applicants.
as well as Father of the deceased, Md. Tauhid @ Muslim.
- 2) Sabrun Nisha, W/o of Md. Khalil as well as
Mother of the deceased, Md. Tauhid @ Muslim.

Both are residing at: Vill.: Bankatwa Khurd, P.O.: Hasanpur,
P.S.: Hariya, Dist.: Balarampur, U.P.

- *VERSUS* -

Union of India represented through Respondent.
General Manager, E.C. Railway, Hajipur

Claim for Rs. 10,00,000/-

CORAM :-

- 1) Shri Sanjay Singh Gehlot, Hon'ble Vice-Chairman/RCT, Kolkata
2) Shri S.D. Sharma, Hon'ble Member (Judicial)/RCT/Kolkata.

Appearance :

Counsel for the Applicant: Shri Neeraj Kumar Verma.
Counsel for the Respondent: Shri Ravinder Kumar Sharma.

JUDGEMENT

The claimants/applicants have preferred the present claim application, against the namely, Late Md. Tauhid @ Muslim (**the deceased**), who was allegedly travelling by a train on 06.07.2017, met with an accident and died.



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1.1 It is alleged by the claimants that on 06.07.2017, the victim, Md. Tauhid @ Muslim, along with one other while travelling by 15646 UP (Guwahati – LTT Dadar Exp.) Ex- Katihar Jn. to Lokmanyatilak R/S, fell down between Begusarai R/S and Tiltrath R/S and died on the spot.

1.2 It is further alleged by the claimants that the victim had a reserved ticket having PNR from Katihar Jn. to Lokmanya Tilak dt. 06.07.2017 and photocopy of the ticket has been filed on record.

1.3 Thus, alleging that the deceased was a *bona fide* passenger and a sufferer of an untoward incident, as such, the claimants are entitled to a compensation to the tune of Rs.10,00,000/- with interest from the Railways/respondent. The claim petition was filed with delay and the Tribunal has condoned that delay vide Order dt. **28.06.2023**.

In Reply:

2.1 The respondent has denied and disputed the incident, as alleged and stated that the alleged incident took place due to own negligence and carelessness of the victim for which the respondent railway is not liable to pay compensation.

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2.2 The respondent has further averred that no journey authority was recovered from the possession of the deceased.

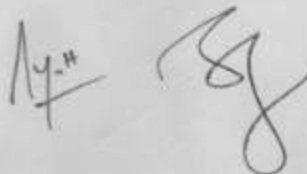
2.3 The respondent railway has finally prayed for the dismissal of the claim application.

3. We have perused the claim application as well as the written statement filed by the Railways. Based on the above said pleadings, and material evidence placed on record, the following issues were framed for determination and adjudication in this case on 06.10.2023:

- 1) **Whether the deceased was a *bona fide* passenger of the train, in question?**
- 2) **Whether the death of the deceased was caused in an Untoward Incident comes under the provision of Section – 123 (c) (2) of the Railways Act, 1989 together with Section – 124 of the Act?**
- 3) **Who are the dependents of the deceased?**
- 4) **Whether the applicants are entitled to get compensation, if yes, to what extent?**

4. To prove their case, the applicant no.1, stated to be father of the deceased, has affirmed an affidavit and produced himself, as witness

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(AW/1). That apart, one, Younus Jarra has also been examined as witness (AW/2). On behalf of the applicants, the documents produced are Final Police Report, P.M. Report, death certificate I.D. Card, Family Particulars Certificates etc.

5. The respondent railway has not adduced any oral evidence and has filed DRM's Report with Annexures which is marked as **Exhibit – R/1 (collectively)**.

6. We have considered the arguments advanced by Ld. Counsels of both sides through hybrid mode and perused all the documents and evidence available on record.

7. In order to avoid repetition of appreciation of evidence, and for the purpose of brevity, Issue Nos. 1 & 2 are taken up together for the purpose of discussion and orders.

Issue Nos. 1 & 2 :-

7.1 It appears that the averment of the applicants is based on the evidence of AW/1, AW/2 and the documents available on record. The copy of the station memo issued by SM/Begusarai stated that *it is*

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intimated by PWI/Begusarai one male dead body aged about 34 years was lying between Begusarai and Tilrath R/S at KM Post No.165/1-2. The copy of the Inquest Report available on the record stated that the victim fell down from 15646 Guwahati – LTT Express train, sustained severe injuries and died. That apart, one journey ticket bearing No.47679896 & PNR No.6303367123 was recovered from the deceased. The other GRP documents also corroborated the same. The Post Mortem Report available on record indicated the name of the victim as Md. Tauhid @ Muslim S/o Md. Khalil and the autopsy surgeon who conducted the post mortem opined that – ‘Death was due to Haemorrhagic and Neurogenic Shock as a result of above mentioned injuries produced by heavy, hard, blunt moving substance, compatible with Rail accident’.

7.2 It is seen that in the RPF Inquiry Report contained in the DRM's Report (Exhibit R/1), the respondent railway administration has concluded that – *“On the basis of available witnesses and evidence, it is clear that Md. Tauhid @ Muslim S/o Md. Khalil on 06.07.2017 during journey by 15646 UP Ex- Katihar to Lokmanya Tilak, went to fetch water when the train stopped at Begusarai R/S and after that he was*

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continuing journey standing near the gate of the compartment and by that process he fell down at KM Post No.165/1-2, sustained severe injuries and died. GRP/Begusarai recovered and seized one ticket bearing PNR No.630-3367223 dated 06.07.2017...." Further since in the DRM's Report it is contended that the details of the said PNR was not available with the concerned office of the respondent railway, we have made a PNR Verification from the higher level of the railway authority whereby it reveals that the said PNR was issued in favour of the passengers, named, **Md. Muslim + 1** and other details also match with the copy of the PNR ticket, so available on the record. The said Verification Report is also attached with the record. At the same time, it appears that the respondent has not produced any contrary evidence against the pleadings of the claimants.

7.3 Conclusively, looking into the circumstances of the case, the Tribunal observes that it would be pertinent to mention the judgement passed by **Hon'ble Supreme Court** in deciding the case of **Jameela & Others -vs- Union of India** reported in 2011 (1) T.A.C. 10 (S.C.) wherein Hon'ble Apex Court has opined that "....standing at the open

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doors of the compartment of a running train may be a negligent act, even a rash act but, without anything, else, it is certainly not a criminal act...."

Further, this Tribunal also observes that at this juncture, it should rely upon the findings of Hon'ble Supreme Court made in the judgement passed in the case of **Union of India –vs – Prabhakaran Vijaya Kumar and Others reported in 2008 T.A.C. 777 (S.C.)** wherein it has held that – *'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.'*

7.4 It is, therefore, concluded that the reason of death of the deceased, Md. Tauhid @ Muslim was a fall from the train and consequently it can be termed as "untoward incident" as per the provision of Section – 123(c)(2) of the Railways Act, 1989.

7.5 In regard to the status of the victim as a *bona fide* passenger, the applicants have filed photocopy a ticket bearing PNR No.630-3367223 dated 06.07.2017 and as per the Inquest Report, it was recovered from the possession of the deceased during inquest. Further with regard to the verification of the said PNR, we have already discussed it in Para –

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7.2 above. Accordingly, whatever counter averments is forwarded by the respondent railway in their 'WS', we feel no constraint to place evidentiary value on the photocopy of the PNR ticket, so available on the record, to hold that the deceased was travelling with that ticket on the date of his unfortunate death particularly when no contrary evidence has been produced by the other side against the veracity of that PNR ticket.

7.6 In view of our above discussions, we feel that the applicants have been able to prove that the deceased was a *bona fide* passenger and sufferer of an untoward incident.

7.7 Thus, on holistic evaluation of evidences on record and from attending circumstances, we have come to a conclusion that the accidental death of the deceased was an 'untoward incident, within the ambit of provisions of Section – 123 (c) 2 of Railway Act, 1989, and the deceased was also a bona fide railway passenger. Accordingly, both the issues are decided in the favour of the applicants and against the Railways.

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Issue No.3.

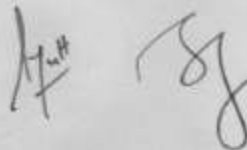
8.1 Since, the Railways have not opposed and challenged the veracity of the dependency of applicants and their relationship with the deceased, we have no alternative except to believe that the applicants are the only legal heirs and descendants of the deceased.

8.2 Accordingly, this issue is also decided in favour of the applicants and against the Railways/ Respondent.

Issue No.4

9.1 In view of our above discussions and findings, we feel that all the claimants are entitled to an amount of compensation from the Railways to the tune of Rs.8,00,000/-. Even though the applicants have claimed for an amount Rs.10,00,000/-, Ministry of Railways (Railway Board) vide their notification dated 22nd December, 2016 under GSR 1165 (E) has amended the amount of compensation payable in respect of death in Railway Untoward Incidents to Rs.8,00,000/- which has come into force on the 1st day of January, 2017. The applicants are, therefore, held entitled to the compensation of Rs.8,00,000/- plus *pendente lite* interest

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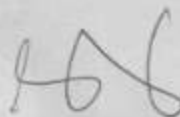
@ 6% p.a. on Rs.8,00,000/- along with the interest @ 6% per annum from 28.06.2023 till the date of this Judgement, as per Order of the Tribunal dated 28.06.2023. Hence, this issue is decided accordingly.

9.2 As such, the application is allowed and it is ordered that Respondent will pay Rs.8,00,000/- (Eight Lakhs only) along with accrued interest, as ordered, to the applicants. The amount be distributed to all the claimants in the following manner:

- 1) Md. Khalil, Applicant no.1 (the father of the deceased) will get Rs.4,00,000/- (Four Lakhs only)**
- 2) Sabrun Nisha, Applicant no.2 (the mother of the deceased) will get Rs.4,00,000/- (Four Lakhs only)**

9.3 Respondent is directed to deposit the awarded compensation amount along with the accrued interest in the "Suitor's account" of this Tribunal within a period of 30 days from the date of receipt of this order, failing which, a simple interest at the rate of 9% p.a. will be payable, for the subsequent delays on the total amount awarded to both the applicants.

9.4 So far as the disbursal of the award is concerned, we have heard the learned counsels for the parties.



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9.5 Therefore, relying upon the judgement rendered by the Hon'ble Delhi High Court in the case of Geeta Devi (supra) and in pursuance of Rule 5, in the present case, the amount of award shall be disbursed to the applicants in the following manner:

This follows the direction of the Hon'ble High Court in Geeta Devi -vs- Union of India in FAO No.22/2015 and ordered the Principal Bench to be applied all across the Benches in India. The monthly payments as provided in Geeta Devi's case, was indeed the mode of payment that was approved by the Hon'ble Supreme Court in M.R. Krishna Murthi -vs- New India Assurance Company (Appeal Nos.2476 & 2477 of 2019 decided on 5.3.2019) for all claims relating to the motor accidents. The Hon'ble Delhi High Court has directed the scheme as approved for motor accident victims, will also be applied for train accident victims.

9.6 It is ordered that, the applicant nos.1, & 2 are permitted to withdraw 10% of the amount of compensation individually awarded to them plus the proportionate share of their interest.

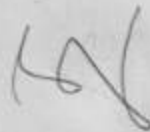


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After withdrawal of 10% (Rs.40,000/-) each amount of compensation, balance amount of Rs.3,60,000/- each shall be split into 36 fixed deposits of Rs.10,000/- each and invested for a period of 01 to 36 months in the ascending order. The bank shall release the amount with accumulated interest upon maturity of each of these deposits to the credit of the Bank Account of the applicant nos. 1 & 2 of this case.

9.7 This special arrangement is done to protect the money of the applicant from the middlemen and from other unscrupulous people, who had been grabbing the money of claimants earlier.

9.8 ADR/RCT will verify the details of the bank accounts of the applicants, before making payment. Further to that, the bank should also be directed not to allow any loan, advance, or withdrawal or premature discharge on the fixed deposit, transaction of the amount through any electronic mode without the permission of this Tribunal. Transfer of this account to any other branch will not be permitted under any circumstances till the validity of the FDs.



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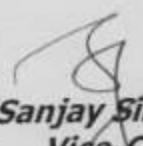
9.9 The bank account of the claimants should be in a Nationalised Bank nearest to the place of their permanent residences, the ADR will ensure it. The ADR is further directed to contact the Branch Manager of the bank before sending the amount, telephonically and will give his noting qua this, on the file.

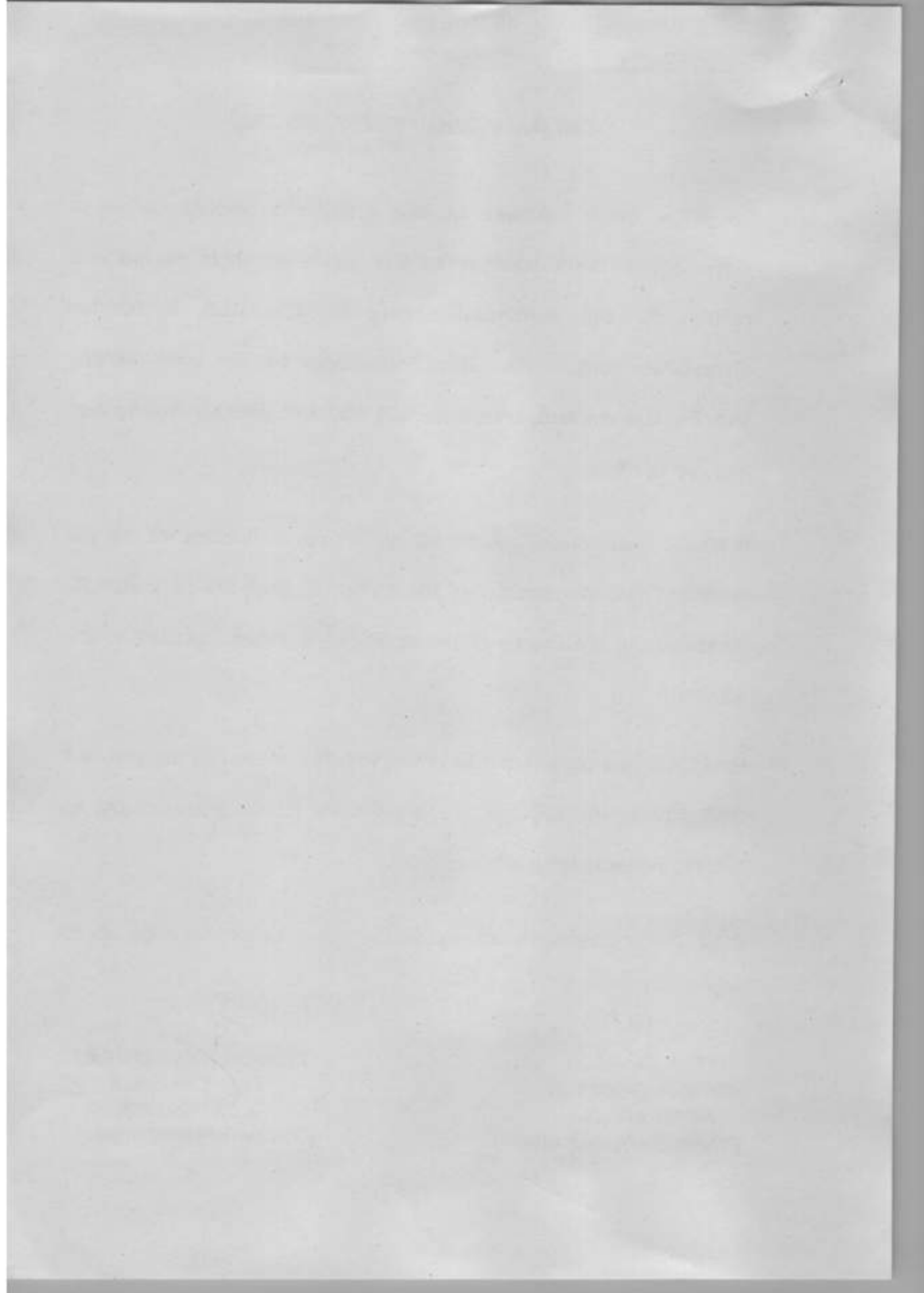
9.10 Additional Registrar of RCT/Patna is directed to do the needful. The bank manager of the concerned bank will be personally responsible, if the money of the applicants is misappropriated in any manner.

9.11 The copy of the Judgment will also be sent to the applicant No.1, free of cost and outcome be informed to him telephonically, so that his money is not misappropriated.

9.12 The application is allowed in the above terms. No order as to cost.


(S.D. Sharma)
Member (Judicial)
RCT/Kolkata.
(Through hybrid mode)


(Sanjay Singh Gehlot)
Vice-Chairman
RCT/Kolkata.
(Though hybrid mode)



RAILWAY CLAIMS TRIBUNAL

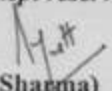
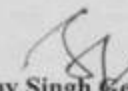
Patna Bench

ORDER SHEET

Nature of application _____ Number O.A.No.(IIu)/PNBE/266 Year 20231) Md. Khalil

-Versus-

UOI/G.M/E.C. Railway2) Sabrun Nisha

Date	Proceeding of the Bench	Notes of the Registrar
----- 10.09.25	As per Order of Hon'ble Chairman, the case is taken up for final arguments through Hybrid Mode. Ld. Counsel for the applicant, Shri Arvind Kumar and Ld. Counsel for the respondent Shri Alok Kumar were present and advanced their arguments through hybrid mode. <i>Order is kept reserved.</i>  (S.D. Sharma) Member (Judicial) RCT/Kolkata (Through hybrid mode)  (Sanjay Singh Gehlot) Vice-Chairman RCT/Kolkata. (Through hybrid mode) Record is put up for delivering judgment.	
----- 19.09.25	Vide the Judgment delivered in separate sheets the O.A. is allowed on contest, on its merit for Rs.8,00,000/- (Rupees eight lakhs only). The respondent railway is directed to deposit the awarded compensation amount along with the interest @ 6% per annum w.e.f. 28.06.2023 till the date of this Judgement in the 'suitor's account' of this Tribunal within 30 days from the date of receipt of this order, failing which, a simple interest at the rate of 9% p.a. will be payable, for the subsequent delays on the total amount awarded to all the applicants. The respondent will furnish the proof of deposit of the awarded amount to the Registry/RCT/Patna along with the interest calculation sheet. The applicant will appear in person before the Registry/RCT/Patna along with the following for verification. 1) Bank Account details opened near his place of 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 an 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.	

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Date	Proceeding of the Bench	Notes of the Registrar
	: 2 : C.A. No.OA(IIu)/PNBE/266/2023 2) Aadhaar Card and PAN Card or any other appropriate I.D. Cards, Two sets of photograph and specimen signature of the applicants. After complete verification of the claimants, Registry/RCT/Patna will release the payment of the decretal amount to the claimants within 60 days from the later of verification of all the required documents or from the date of the receipt of confirmation of payment from the respondent railway, whichever is later. Let the case file be consigned to the record room.  (S.D. Sharma) Member (Judicial) RCT/Kolkata (Through hybrid mode)  (Sanjay Singh Gehlot) Vice-Chairman RCT/Kolkata. (Through hybrid mode)	