

RAILWAY CLAIMS TRIBUNAL

Circuit Bench Patna at Guwahati Bench

(Through Hybrid Mode)

Coram: Mahtab Ahmad, Member (Judicial)

Leena Sarma, Member (Technical)

OA(IIu)/PNBE/34/2021

TA20/DLI/703/2025

MA/PNBE/59/2020

Date of filing of claim application: 16.09.2020

Date of condonation of delay: 28.01.2021

Date of judgement: 22.09.2025

Shri Jitendra Kumar,
son of Late Birendra Prasad,
Mohalla Dr. Ramadhar Gali Karbigahiya,
P. S. Jakkanpur, District Patna, Bihar

..... Applicant

-Versus -

The Union of India represented by
General Manager, East Central Railway, Hajipur

..... Respondent

Present (through hybrid mode):

Shri Sandeep Raj, Advocate Learned counsel for the applicant

Shri Kumar Sachin, Advocate Learned counsel for the respondent

By Mahtab Ahmad, Member (Judicial)

JUDGEMENT

The above applicant Shri Jitendra Kumar has filed this claim application for compensation for the injuries allegedly suffered by him in an untoward incident near Mathani Tal on 15.08.2019.

2. Applicant's case in brief is that on 15.08.2019, he purchased a valid 2nd class railway journey ticket from Patna Junction Railway Station to Athmalgola Railway Station and boarded on train no.63272 Patna Mokama Barauni Passenger. He was compelled to stand near the door, as there was huge crowd in the compartment of the



said train. Unfortunately, during his journey, he accidentally fell down from the said running train near Mathani Tal due to push and pull of passengers, came under the wheels of the train, as a result of which both his legs got cut. Immediately after the incident, he was shifted to Nalanda Medical College Hospital, Patna, where he underwent medical treatment. In the certificate issued by Nalanda Medical College Hospital, Patna, his disability has been assessed at 95%, stating the nature of disability as '*Locomotive Distability (Amputation through knee (Lt) leg and amputation below knee upto 8 cm (Rt) leg*'. On 21.09.2019 he submitted a written application to Rail Police Station, Patna stating the above facts and requesting for lodging an FIR. His railway journey ticket is stated to have got lost in the incident.

3. The respondent has contested the claim application by filing written statement dated 04.06.2021, denying all the averments of the claim application and asked for strict proof. The respondent averred that as per DRM Report, the applicant was a trespasser and he was dashed down and run over by an unknown running train while crossing the railway line. The respondent also averred that the rate of interest sought for by the applicant is also against the provision of law like Section 34 of CPC and Section 3 of Interest Act as well as against the judgement of Hon'ble Apex Court reported as AIR 2009 SC 3098. Accordingly the respondent railway has sought for dismissal of the claim application.

4. The respondent has also filed DRM Report, in which it is stated that based on the surrounding circumstances of the case and the statement of the witnesses, it is established that the victim was neither travelling by any train, nor had sustained grievous injuries due to fall from any running train; rather the victim had died due to dashed down and run over by some unknown train while crossing the railway track. Also no railway journey ticket was recovered from the possession of the victim. The DRM Report contains all the papers relating to the said incident, prepared and maintained by the railway authorities as well as police authorities.

5. On the above pleadings of the parties, the following issues were framed on 22.06.2021:-



1. Whether deceased was a bonafide passenger of train no.63272?
2. Whether death of the deceased is covered under Section 123(c)(2) of the Railways Act, 1989?
3. Whether applicant/dependents are dependents of the deceased?
4. Whether applicant/dependents are entitled to receive compensation? If yes, to what extent?

It is seen that the Issue nos.1 to 4 have been wrongly framed as the instant claim application is filed for compensation for injury sustained by the applicant in an alleged untoward incident, and not for the death of a railway passenger. Therefore, the above Issue nos.1 to 4 require re-casting. As such, all the above issues are re-casted as under:-

1. Whether the victim was a bonafide passenger of Train no.63272 Patna Mokama Barauni Passenger on 15.08.2019?
2. Whether the victim sustained injuries in an untoward incident as defined under Section 123(c)(2) of the Railways Act, 1989?
3. Whether the applicant/victim is entitled for any compensation? If so, to what sum?
4. Relief?

6. Now the case shall be decided on the above re-casted issues. Here it is mentioned that parties have exchanged their pleadings and according to their pleadings, they have led evidences and argued the matter before me. Therefore, no further opportunity of filing evidence as well as hearing of argument is required and the same does not cause in any way injustice to the parties.

7. In support of the claim application, the applicant Shri Jitendra Kumar has examined himself as AW-1 and also one Shri Brajesh Kumar as AW-2 and filed documentary evidences viz. Memo dated 15.08.2019/06:30 hrs. by Dy. Station Manager, E. C. Railway, Patna Saheb, Written application dated 21.09.2019 of Shri Jitendra Kumar to Rail Police Station, Patna, Letter dated 23.10.2019 addressed to Rail P.P., Patna Saheb by Ram Gasish Ram, Disability Certificate issued by



N.M.C.H, Patna, Treatment Chart issued by Nalanda Medical College Hospital, Patna, Discharge Slip dated 08.11.2011 issued by Nalanda Medical College Hospital, Patna, Bank Pass Book, Aadhar Card of Jitendra Kumar, and Certificate dated 13.07.2020 issued by Councillor Ward no.29, Patna Nagar Nigam,

8. The respondent railway in support of its claim did not lead any ocular or documentary evidence, but has relied on the DRM Report and the papers annexed with the DRM Report, prepared in respect of this incident by the police and railway authorities and the statement of the concerned persons.

9. We have heard the learned counsel for the parties and perused the record.

Discussion and findings on the issues

ISSUE NO.1: *Whether the victim was a bonafide passenger of Train no.63272 Patna Mokama Barauni Passenger on 15.08.2019?*

ISSUE NO.2: *Whether the victim sustained injuries in an untoward incident as defined under Section 123(c)(2) of the Railways Act, 1989?*

10. Relevant facts, evidences, circumstances and the conclusions related to both the above issues are interconnected and interdependent; therefore these two issues are taken together for disposal.

11. In this case, no railway journey ticket is found from the injured victim by the GRP/RPF/railway authority, nor the applicant himself has submitted any railway journey ticket. The applicant's version is that the railway journey ticket has lost in the said incident. It is noticed that many a times on such incident railway journey ticket was found lost. Here, it is noticeable that the applicant had accidentally fallen down in the mid of his journey and found without any belongings like bag, etc., therein the ticket may have been kept and which remained in the train untraceable. However, the respondent railway has vehemently contended that since no railway journey ticket is found from the injured victim by the police/railway authorities at the place of occurrence or the same has been produced by the applicant at any point of time, he was not a bonafide passenger. Along with this contention, the respondent



railway has further contended that the place of occurrence is near local market. The injured victim somehow reached at or around the railway track and got struck down by some unknown train, causing amputation of his both legs. He was simply a trespasser and not a victim of an untoward incident.

12. In respect of such case, the Hon'ble Apex Court has laid down certain principles of law in the celebrated case of Union of India v. Rina Devi, in Civil Appeal No.4945 of 2018 Special Leave Petition (Civil) No.10223 (arising out of D. No.6059 of 2018) decided on 09.05.2018 [(2019)3SCC572], Para 17.4 of the said judgement is referred herein below:-

"17.4 We thus hold that mere presence of a body on the Railway premises will not be conclusive to hold that injured or deceased was a bonafide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from cases to case on the basis of facts found. The legal position in this regard will stand explained accordingly".

13. Applicant's case is that, on 15.08.2019 he was travelling by train no.63272 Patna Mokama Barauni Passenger from Patna Junction Railway Station to Athmalgola Railway Station after purchasing a valid 2nd class railway journey ticket. The incident occurred near Mathani Tal and the same is said to have happened due to push and pull of passengers as due to compartment having been crowded, the victim was compelled to undertake his journey by standing near the door area of the train. There is no evidence that Mathani Tal is near the applicant's living place i.e., Mohalla Dr. Ramadhar Gali Karbigahiya, P. S. Jakkanpur, District Patna, Bihar, either in the applicant's evidence or collected by the railway authority during statutory enquiry. So it is clear that the place of occurrence is in the route of applicant's alleged journey, where, as per memo of the Station Master dated 15.08.2019/06:30 hours, the victim had fallen down from train no.63205 Up and sustained injuries. Here it is surfaced that as per applicant's assertion, he was travelling by train no.63272, while as per memo of Station Master, as the above, the victim had fallen down from train no.63205 Up. As such, there is discrepancy about the train, thereby the deceased travelled and the accident reported. But this discrepancy appears to be of not much importance as both the parties are on the



same page in respect that the victim had fallen down from a passenger train and sustained injuries, which shows that the incident involved operation of the railway and the applicant victim got injured due to falling down from the said train. After the incident, the applicant was treated in the hospital, which is evident from the materials collected by the Enquiry Officer during the statutory enquiry. There is a statement of independent witness Bablu Pandit with the enquiry report, therein he has stated that on 15.08.2019, a boy aged 18 years, had fallen down by some train in the east of the Patna Sahib Station, who was sent by GRP with the help of some other people to Nalanda Medical College Hospital, Patna for treatment. Though he has stated that he has not seen the victim falling down from the train and no railway journey ticket was found from his possession, he has also admitted that, there is a pathway at the place of occurrence, where people pass through the track, but these statements do not support respondent's suspected version of the case, rather support the applicant's case in view of being the applicant not of same locality and absence of any material regarding his natural presence at the place of occurrence otherwise than travelling by the train. Jai Prakash Pandit, an another witness, has also stated the same fact. Further, in GDR of GRPS/Patna dated 15.08.2019, this fact is again found place at 10:10 hrs. This incident is also recorded in the Station Diary with the reference of the train also. The train is found passed from the station, as TSR shows. Station Master has also certified this fact by his statement to the Enquiry Officer. The victim Jitendra Kumar is also examined and he has supported his claim case. There is an application of Jitendra Kumar given to the GRP/Patna, after getting treated, which is in consonance of his claim case without any contradiction. Jitendra Kumar has also examined himself as AW-1, in which, he has supported his claim. There is also nothing contrary in his cross-examination. A witness as a co-passenger Shri Brajesh Kumar is also examined, who has stated that he is a neighbour of the victim and was travelling on 15.08.2019 on the same train and in the same compartment with the victim and had seen the incident. Thereafter he got down at Banka Ghat Railway Station, arrived at the place of incident and with the help of the people, carried the injured applicant by Auto for treatment to Nalanda Medical College Hospital, Patna. It is true that this co-passenger is not mentioned in the claim application and was brought into picture belatedly, which raises suspicion



about his truthfulness, however, his evidence is also in consonance with all the other evidences and the materials collected by the Enquiry Officer. So, we find no reason to disbelieve him. As such it is proved that the victim applicant was travelling on 15.08.2018 by train no.63272 Patna Mokama Barauni Passenger from Patna Junction Railway Station to Athmalgola Railway Station and he has proved that had undertaken the said journey after purchasing a 2nd class railway journey ticket, which has been lost in the incident. In the earlier discussion, we found that it might be possible in the facts and circumstances of the case. So in view of the principles of law laid down by the Hon'ble Apex Court in the case of Union of India v. Rina Devi (supra), we have no hesitation to hold that the applicant has successfully proved that he was a bonafide passenger and he had accidentally fallen down from the running train while travelling with a valid railway journey ticket in an untoward incident within the ambit of Section 123(c)(2) of the Railways Act, 1989.

ISSUE NO.3: *Whether the applicant/victim is entitled for any compensation? If so, to what sum?*

14. Since the victim applicant is proved to be a bonafide passenger and the injury suffered to him was caused on account of his accidental falling down from the running train and is an untoward incident within the ambit of Section 123(c)(2) of the Railways Act, 1989, therefore the applicant is entitled to get compensation under Section 124-A of the Railways Act, 1989.

15. It is an admitted fact that the applicant, after falling down from the running train, came under the wheels of the train, as a result of which both his legs got cut and he was immediately shifted to Nalanda Medical College Hospital, Patna, where he underwent treatment. As per Discharge Slip issued by Nalanda Medical College Hospital, Patna, he was admitted in the hospital on 15.08.2019 and discharged on 08.11.2011. In the Disability Certificate issued by the said hospital, the locomotive disability of the applicant due to "amputation through knee (left) leg and amputation below knee upto 8 cm (right) leg" has been assessed at 95%. As far as quantum of compensation payable is concerned, the injury sustained by the applicant is covered under Sl. No.3 (For double amputation through leg or thigh or amputation through



leg or thigh on one side and loss of other foot) of Part-II of the Schedule of the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2016, and for such injury, compensation amount payable is Rs.8,00,000/- (Rupees eight lakhs only). Therefore, the applicant is held entitled to get compensation of Rs.8,00,000/- (Rupees eight lakhs only) for the injury sustained by him. Accordingly Issue no.3 is decided.

ISSUE NO.4: Relief?

16. The claim application has been filed with delay of one month from the date of incident, but the delay has been condoned by this Tribunal by order dated 28.01.2021, allowing miscellaneous application no.MA-00059/2020 [MA/PNBE/59/2020]. Hence, the applicant will be entitled to get interest on the compensation amount from the date of condonation of delay i.e., 28.01.2021.

17. In view of above discussion and findings arrived at on Issue Nos.1 to 3, we hold that the applicant is entitled to get statutory compensation of Rs.8,00,000/- (Rupees eight lakhs only) from the respondent railway with pendente lite interest @ 6% per annum from the date of condonation of delay i.e., 28.01.2021 till the date of this order. No cost. Issue decided accordingly.

CONCLUSION

On the above discussion and findings, the claim application is liable to be allowed for statutory compensation of Rs.8,00,000/- (Rupees eight lakhs) with pendente lite interest @ 6% per annum from 28.01.2021 till the date of this order.

ORDER

I. The original application is allowed on contest against the respondent railway. Respondent is directed to pay compensation of Rs.8,00,000/- (Rupees eight lakhs) to the applicant with pendente lite interest @ 6% per annum from the date of condonation of delay i.e., 28.01.2021 till the date of this order.



II. In view of the disability suffered by the applicant in an untoward incident in question and consequential diminishing of his earning capacity, it would be just and proper to release a handsome amount in favour of the applicant so that he can begin some small earning activity for his livelihood. Therefore, it is ordered that Rs.3,00,000/- (Rupees three lakhs only) with interest component on the whole amount of Rs.8,00,000/- (Rupees eight lakhs only), will be immediately payable to him through RTGS/NEFT transfer in his saving bank account. Remaining Rs.5,00,000/- (Rupees five lakhs only) to be invested in ten FDRs of Rs.50,000/- (Rupees fifty thousand only) each for a period of one to ten years in ascending order i.e., one FDR for one year, second FDR for two years and third FDR for three years and so on in a nationalized bank and on maturity the FDRs amount to be transferred to his saving bank account.

III. The respondent railway is hereby directed to deposit the awarded amount with the Additional Registrar of this Railway Claims Tribunal within a period of ninety days from the date of receipt of this order, failing which, from the 91st day, the rate of interest would be @ 9% per annum up to payment.

IV. While deciding the mode of payment, in Geeta Devi Case, the Para-5 of the Ministry of Railways' notification dated 3rd June, 2020 and RCT/Principal Bench/Delhi's decision in Case No. OA(Ilu)DLI/53/2019 dated 16/09/2020 are taken into consideration.

V. Respondent needs to ensure compliance of all the conditions mentioned in Para 5.4.4 and Para 5.4.5 of Ministry of Railways' Notification dated 3rd June, 2020 issued under F. No.-2019/TC-III/26/3.

VI. The applicant is directed to open a Savings Bank Account in a Nationalized Bank near his 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 applicant i.e. savings bank account of the applicant shall be an individual savings bank account and not a joint account.

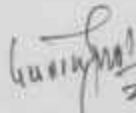


- VII. The concerned bank is directed not to issue any cheque book(s) and/or debit card(s) to the claimant. If the same have already been issued, the bank is directed to cancel the same before the disbursement of the award amount and the bank shall freeze the account of the claimant so that no debit card is issued in respect of the account of the claimant from any other branch of the bank. The bank should make an endorsement on the passbook of the claimant to the effect that no cheque book and/or debit card shall be issued to the claimant without the permission of the RCT.
- VIII. 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.
- IX. The bank shall not grant any loan, advance, withdrawal or pre-mature discharge on the fixed deposits without permission of the RCT.
- X. Registry is directed to send a certified copy of this judgment to the applicant's address through speed post.
- XI. This original application stands disposed of accordingly.
- XII. Let the case file be consigned to the record room after due compliance.
- XIII. In this Tribunal, apart from the cases received from RCT, Patna Bench for disposal through hybrid mode, including this case, a substantial number of cases of this Tribunal are also pending and are being heard and decided in all working days. Due to workload of this Tribunal itself, it could not be possible to prepare the judgement of this case within stipulated period of 21 days. Moreover, from 28.08.2025 upto 15.09.2025, the Member Judicial was out of station for Circuit Bench at RCT, Secunderabad Bench. Therefore, after preparation of the judgement, it is pronounced in the open court through hybrid mode today beyond said period of 21 days.



XIV. A copy of the judgement be transmitted to the Additional Registrar, RCT, Patna Bench through mail forthwith by the Registry of RCT, Guwahati Bench with the direction that copy of the same be supplied to the parties/their counsel at the earliest.


(Leena Sarma)
Member (Technical)
RCT, Circuit Bench Patna
at Guwahati Bench


(Mahtab Ahmad)
Member (Judicial)
RCT, Circuit Bench Patna
at Guwahati Bench
22.09.2025

Dated: 22.09.2025

