

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

[As Circuit Bench of Railway Claims Tribunal, Patna (Parent Bench in this case.)
Heard through Hybrid Mode.]

CORAM: SH. SHAILENDRA K. SHARMA, HON'BLE MEMBER (TECH.)

Case No. OA-II (u)/PNBE /81/2023

Date of Filing of OA : 19.10.2022

Judgement reserved on: 20.01.2026

Date of pronouncement: 05.02.2026

Renu Sharma, aged 57 years, w/o late Ravindra Sharma, r/o VPO/PS Pandarak,
Distt. Patna, Bihar 803 222.

...Applicant

Versus

1. Union of India through its General Manager, East Central Railway, Hajipur
2. Vivek Vishal, aged 37 years, s/o of late Ravindra Sharma
3. Sonali Kumari, aged 30 years, d/o of late Ravindra Sharma
4. Shalini Kumari, aged 34 years, d/o of late Ravindra Sharma
r/o VPO & PS Pandarak, Distt. Patna, Bihar – 803 222

... Respondents

APPLICATION FOR CLAIM COMPENSATION

Present : Sh Parmod Kumar, Counsel for the applicant (Through Virtual Mode.)
Sh. Alok Kr.Jha, Counsel for the respondent (Through Virtual Mode.)

JUDGMENT

1. In compliance of the directions of the Hon'ble Supreme Court of India that all Tribunals to resort to hybrid mode of hearing by taking benefit of advances in technology, the orders of the Hon'ble Chairman, Railway Claim Tribunal were communicated vide order dated 26.12.2025 which are placed in the case file that the cases reached the stage of arguments, are to be assigned to other

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Benches of Railway Claims Tribunal which have low pendency for disposal of the cases through hybrid mode of hearing. Under the present circumstances, the mutual agreement of the learned counsels for both the parties was taken and accordingly this case has been assigned to this Bench for hearing through hybrid mode which will act as Circuit Bench of Railway Claims Tribunal, Patna Bench for disposal of this case.

2. 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 seeking compensation to the tune of Rs. 8,00,000/- (Rupees Eight Lakh) along-with interest from the respondent railway on account of death of Ravindra Sharma, in an alleged "Untoward Incident" which occurred on 22.10.2018 while travelling by a passenger train.
3. It is averred in the claim application that Ravindra Sharma (hereinafter referred to be the deceased) was working as Deputy Manager, in SBI Bank at Exhibition Road, Patna; that he left for Pandarak at 5.00 AM from his apartment at Patna for worship of Maa Durga; that Bhavesh Kumar went to drop him; that the deceased purchased a second class railway journey ticket from Patna Jn. to Barh railway station on 22.10.2018 in presence of Bhavesh Kumar and boarded Tata Nagar Super Express Train; that there was heavy rush in the train; that due to jerk and rush of the passengers, the deceased accidentally fell down from the moving train near Rajendra Nagar station and suffered grievous injuries; that he was taken to Patna Medical College and Hospital for treatment; that family members of the deceased were informed; that the deceased died during the course of treatment on the same day; that wife of the deceased reached PMCH, Patna and recorded her statement before the IO/GRP; that an UD Case No. 37/18 dt. 22.10.2018 was registered by rail PP, Rajendra Nagar; that after post-mortem, the dead body of the deceased was handed over to the family members



for performing last rites; that the ticket was lost during the incident; that the IO has submitted the final report concluding that it is a case of accidental fall from the train. Thus claiming the deceased to be a bonafide passenger and victim of an untoward incident coming within the ambit of Sec. 123(c) of the Railways Act, 1989 and herself to be the dependent of the deceased, as son and daughters are impleaded as proforma respondent in this case, applicant has sought compensation from the respondent railways.

4. Written statement was filed by way of reply, wherein the respondent denied the incident and also disputed the various averments made by the applicant in the claim application. It is averred in the reply that the claim application is not maintainable in the present form; that the deceased was not a bonafide passenger of the train as no ticket was recovered from his possession; that there is no eye-witness to the incident; that station memo was issued with respect to one man lying in injured condition at KM No. 541/26-28 in block section; that there is an illegal passage near the place of occurrence and that from the inquiry and the post mortem report, it seems to be a case of run over while crossing the track unauthorisedly and negligently.
5. On merits also, other paragraphs of the claim application have been denied either being wrong or for want of proof and a prayer has been made to dismiss the claim application with cost.
6. No replication was filed by the applicant. On 23.06.2023, after examination of the pleadings, following issues were framed for adjudication:

- 1) क्या मृतक प्रथमतः रेलगाड़ी का सदभावी यात्री था ?
- 2) क्या मृतक की मृत्यु से सम्बंधित घटना रेल अधिनियम 1989 की धारा 123 (c)(2) संपठित धारा 124-A के अंतर्गत परिभाषित अनपेक्षित घटना कि परिधि में आती है?
- 3) मृतक के आश्रित कौन - कौन हैं ?
- 4) आश्रितगण किस उपशम को प्राप्त करने के अधिकारी हैं?



7. The applicant, in support of her claim, has filed certain documents besides evidence by way of her affidavit AW-1. The applicant has also examined AW-2, Bhavesh Kumar, who is allegedly witness to the factum of purchase of ticket and boarding the train by the deceased. Both these witnesses were duly cross-examined by learned counsel for the respondent.
8. On the other hand, the respondent railway have placed on record DRM's report which is collectively exhibited as R-1. They have not adduced evidence by way of examining any witness.
9. I have gone through the case file carefully and perused the pleadings of the parties, evidence adduced on behalf of the applicants / respondent railway and heard the arguments put forth by Id. Counsel for the parties. My findings on the aforesaid issues are as under:

FINDINGS

ISSUE No.1 & 2

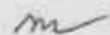
10. Both these issues being inter-connected are taken up together for discussion and decision, for the sake of brevity and to avoid repetition of facts.
11. The case of the applicant is that the deceased, after purchasing a valid railway journey ticket, in presence of one Bhavesh Kumar, boarded Tata Nagar Super Express train from railway station Patna Jn. for going to Barh railway station and he accidentally fell down from the moving train near railway station Rajendra Nagar, sustained injuries and died at PMCH, Patna. The ticket was allegedly lost during the incident.
12. At the very outset, it will be relevant to mention that the present Act is a beneficial piece of legislation enacted to grant compensation to the injured applicants or the dependents of the deceased, in case of death. But the Hon'ble

Supreme Court in case titled Rina Devi Vs UOI (Civil Appeal No. 4945/2018) has very specifically held that it is the applicants who have to prove their case first and the initial burden may be discharged by filing an affidavit. Hon'ble Court has held in para 17.6 of this judgement that :

"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 bona fide 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 the 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 case to case on the basis of facts found."

13. To prove their case, applicant has placed on record her affidavit AW-1 stating that on 22.10.2018, Bhavesh Kumar accompanied the deceased up to railway station, Patna and in his presence the deceased purchased railway journey ticket for going to Barh and boarded Tata Nagar Super Express Train. While deposing before this Tribunal she has stated that :

मेरे पति स्टेट बैंक में मैनेजर पटना में थे। मेरे घर पंडारक है। मेरे पति घर से सुबह करीब 5-6 बजे निकले थे। मेरे पति पंडारक जा रहे थे। घटना की जानकारी मुझे पुत्र ने फोन से करीब 11 बजे दिया था। मेरा बेटा कोलकाता में जाँब में है। मेरे पति स्वस्थ थे। मैं घटनास्थल पर नहीं गयी थी, हॉस्पिटल गयी थी। मेरा लिखित रूप से बयान लिया गया था। मेरे पति अक्सर अकेले ही आया जाया करते थे। भवेश मेरा लड़का का शाला है। यह कहना सही है कि मैंने भवेश के बारे में किसी पुलिस अधिकारी को कभी नहीं बताया था। भवेश मेरे यहां थे इसलिए मेरे पति के साथ वे गये थे। पटना से पंडारक जाने में ट्रेन को कितना समय लगता है मैं बता नहीं सकती हूँ। मेरे पति के पास बैग था, बैग एवं मोबाइल मुझे मिल गया था। यात्रा टिकट नहीं मिला था। बैग पूरा फटा हुआ था। बैग व कपड़े में यात्रा टिकट कहीं नहीं था।



यह कहना सही है कि मेरे पति के पास से कोई टिकट जव्त नहीं हुआ था यह कहना गलत है कि मेरे पति ट्रेन में यात्रा नहीं कर रहे थे और उनकी मृत्यु लाइन पार करते समय ट्रेन से टकराने से हुई हो।

14. Applicant has also examined AW-2, Bhavesh Kumar, who has stated in his affidavit that :-

.....2. यह कि मृतक रविन्द्र शर्मा रिश्ते में मेरे बहन के ससुर लगते थे। मैं पटना में रह कर प्रतियोगी परीक्षा की तैयारी करता था। मैं रविन्द्र शर्मा को छोड़ने के लिए पटना जंक्शन तक गये थे।

3. यह कि मृतक रविन्द्र शर्मा मेरे सामने पटना जंक्शन से बाइ स्टेशन तक का साधारण टिकट कटाकर दानापुर टाटा सुपर एक्सप्रेस ट्रेन जो कि प्लेट फार्म नं०-01 पर खड़ी थी। उसी ट्रेन पर मेरे सामने चढ़ गये थे गाड़ी खुलने के बाद मैं वापस कोचिंग लौट गया था।

4. यह कि मुझे सूचना मिली थी कि रविन्द्र शर्मा ट्रेन से राजेन्द्र नगर स्टेशन के निकट गिरकर जखमी हो गए थे जिनका देहान्त ईलाज के क्रम में पी. एम.सी.एच., पटना में हो गया है।

यह कि इस अग्रिय घटना की सूचना मुझे अपने जीजा विवेक विशाल से मिली थी तब मैं अपनी बहन एवं जीजा के साथ पंडारक गाँव गए थे जहाँ लाश को देखा था।

15. While deposing before the Tribunal this witness has stated that :-

'घटना 22.10.2018 की है। मैं पटना में घटना के समय प्रतियोगिता परीक्षा की तैयारी किया करता था। मृतक रविन्द्र शर्मा मेरे बहन से ससुर जी हैं। घटना के समय वे स्वस्थ थे, बीमार नहीं थे। मृतक रविन्द्र शर्मा बाइ जा रहे थे। मैं कभी-कभी उन्हें छोड़ने के लिए जाया करते थे तथा कभी-कभी मुझे बुला लिया करते थे। उस दिन भी मैं रविन्द्र शर्मा के बुलाने पर उन्हें पटना जं. स्टेशन तक मकान मालिक के बाइक से छोड़ने गया था। मैं सुबह करीब 5 बजे उन्हें छोड़ने गया था। उन्हें दानापुर टाटा इंटरसीटी गाड़ी से बाइ जाना था। वे उक्त गाड़ी में मेरे सामने चढ़ गये थे उसके बाद मैं वापस अपने कमरे पर चला गया था। गाड़ी एक नं. प्लेटफार्म पर आयी थी। मैंने प्लेटफार्म टिकट नहीं लिया था। राजेन्द्र शर्मा ने टिकट तीन नं. काउंटर से मेरे सामने लिये थे। मैंने गाड़ी खुलने के बाद मृतक के पत्नी को सूचना नहीं दिया था। मुझे करीब 12-01 बजे इस घटना की सूचना मेरे जीजा जी विवेक विशाल ने दिये थे। सूचना के बाद मैं मृतक के शव को पंडारक गाँव में देखा था, मैं घटनास्थल पर नहीं गया था। मृतक की पत्नी ने मुझसे कोई पूछताछ नहीं की थी। इस घटना के संबंध में आर पी एफ या जी आर पी ने मुझसे कोई पूछताछ नहीं किये थे। मेरे जीजा जी कोलकाता में प्राइवेट नौकरी करते हैं।



यह कहना गलत है कि मैं बहन के समुद्र को छोड़ने स्टेशन न गया हो और उन्होंने मेरे समझ टिकट काउंटर से टिकट न खरीदी हो। यह कहना भी गलत है कि मैं मृतक के परिवारजनों को मुआवला दिलाने हेतु झूठी गवाही देने के लिए आया हूँ।

कोर्ट प्रश्न:

प्रश्न: शपथ पत्र के बिन्दु संख्या 3 में जिन बातों का उल्लेख है क्या उन्हें आपने आज से पहले किसी पुलिस कर्मी/ अधिकारी को लिखित रूप में बताया था?

उत्तर: जी नहीं।

16. I find a lot of inconsistencies in the averments made by the applicant in her claim application, affidavit AW-1, affidavit AW-2 of the eye-witness, who allegedly accompanied the deceased up to railway station and witnessed him purchasing the ticket and boarding Tata Nagar Super Fast Express train and their deposition before this Tribunal and the same are mentioned as under :-

- a) Though the name of Bhavesh Kumar, alleged eye-witness finds mention in the petition and the affidavit AW-1 filed by the applicant but in the application moved by her before GRP on the date of incident, there is nothing as to the accompaniment of this witness alongwith the deceased up to railway station, Patna Jn., purchase of ticket by the deceased and boarding the train.
- b) The applicant in her deposition has specifically mentioned that Bhavesh Kumar is brother-in-law of her son. She further stated that Bhavesh Kumar was at her residence and that is why he accompanied the deceased up to railway station. On the other hand, Bhavesh Kumar while deposing before the Tribunal as AW-2 has stated that 'उस दिन भी मैं रविन्द्र शर्मा के बुलाने पर उन्हें पटना जं. स्टेशन तक मकान मालिक के बाइक से छोड़ने गया था। मैं सुबह करीब 5 बजे उन्हें छोड़ने गया था। उन्हें दानापुर टाटा इंटरसीटी गाड़ी से बाढ़ जाना था। वे उक्त गाड़ी में मेरे सामने चढ़ गये थे उसके बाद मैं वापस अपने कमरे पर चला गया था।' which is contrary to the version of AW-1.



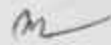
c) AW-2, Bhavesh Kumar has stated on oath that he is an eye-witness to the purchase of ticket and the deceased boarding the train but his name does not find mention in the police paper book or in the statements of applicant duly recorded by the GRP as well as RPF. Further, while replying to the Court Question, this witness has admitted that he never informed any Police official/ officer about his accompaniment with the deceased up to railway station on the fateful day.

d) No ticket was recovered from the possession of the deceased or from the site of incident. Nor any ticket was presented later on by the applicant to the police. Had there been any ticket, the same would have been recovered from the dead body of the deceased.

Applicant while deposing before the Tribunal has stated that 'मेरे पति के पास बैग था, बैग एवं मोबाइल मुझे मिल गया था। यात्रा टिकट नहीं मिला था। बैग पूरा फटा हुआ था। बैग व कपड़े में यात्रा टिकट कहीं नहीं था।' However, as per police inquest report, nothing except clothes worn by the deceased, were recovered from his dead body.

17. In view of the above facts, I do not find evidence adduced by way of examining AW-1 and AW-2 worth trusting. Mere filing of affidavit in order to discharge their burden to prove the case does not serves the purpose rather the same should be reliable and confidence inspiring. Hence, I am not inclined to hold that the deceased was a bonafide passenger of the train at the time of incident.
18. Coming to the occurrence of untoward incident covered within the ambit of Section 123(c) of the Railways Act, 1989, the applicant has filed *Mrityu Smeeksha Report* wherein at Sr. No. 8 & 9 the cause of death in the opinion of witnesses and the IO is mentioned as 'चलती ट्रेन से गिर कर ज़ख्मी होने के कारण।'
19. Applicant has relied upon application submitted by her to the GRP/Rajendra Nagar to register an UD case in connection with death of her husband.

20. Applicant has also relied upon post mortem report which reveals the injuries sustained by the deceased. She has also put reliance on final report wherein IO has concluded that the deceased had died after falling from some DN line train between Patna Jn. and Rajendra Nagar terminus.
21. Respondent railway have challenged the claim of the applicants on the ground that the incident is not covered within the ambit of Sec. 123(c) of the Railways Act, 1989 as there is no witness to the incident; residence of the deceased is about 2 km. away from the place of occurrence and the deceased was wearing shirt, baniyaan and langota, which a person would not wear while travelling from one city to his home town and then to his office. They have averred that it is a case where the deceased got struck while trespassing the track unauthorisedly because the dead body of the deceased was found near one unauthorised passage meant to cross the tracks. They have emphasised that the respondent railway is protected under exceptional clause to Sec. 124-A of the Railways Act, 1989.
22. Having gone through the evidence adduced by the applicants, DRM's report filed by the respondent railway and hearing both the counsel, my findings on this issue are negative on the following ground :-
- i. Firstly, the station memo dt. 22.10.2018 issued at 11.00 hrs. placed on record by the respondent railway reads that :
- ‘अज्ञात यात्रियों द्वारा सूचित किया गया है कि DN M/L PNBE-RJPB के बीच एक अज्ञात पुरुष उम्र करीब 50 वर्ष ज़ख्मी हालत में KM 541/26-28 पर ज़ख्मी हालत में पड़ा है। सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।’
- This document nowhere indicates that the deceased had fallen from any train.
- ii. Secondly, *Mrityu Smeksha Report* prepared by the GRP and Form No. 2, filled in by the RPF reveal that nothing except clothes worn by the deceased, was recovered from his dead body or from the place of occurrence. *Mrityu*



Smeksha report further reveals the cause of death as 'किसी ट्रेन से गिर कर ज़ख्मी होने से मृत्यु होना।' However, there is nothing as to from which train the deceased had fallen.

- iii. Thirdly, except one application moved by wife of the deceased, no statement of witnesses is annexed with the police record which could establish that the deceased was travelling by train or had fallen from the train. In absence of any evidence by way of any witness, how did the IO reach this conclusion that the deceased had died after falling from a train, is not known. It is also very surprising that the IO submitted his final report to the higher authorities on 23.10.2018 i.e. next day of the incident which shows that the IO prepared and finalised the proceedings without proper investigation. In that situation, the conclusion drawn by the IO cannot be considered to be the ultimate truth. Otherwise also it is not clear how did the IO establish identity of the deceased and informed the applicant, through her son especially when nothing was recovered from the dead body of the deceased.
- iv. Fourthly, the application submitted by wife of the deceased to the GRP on the date of incident does not reveals anything about the alleged companion i.e. Bhavesh Kumar with the deceased up to railway station. She has stated before GRP and subsequently before RPF that her husband had left home (at Patna) at 5.00 AM for going to his native place, Pandarak to pay obeisance to Maa Durga. She further stated that the deceased told her that after paying obeisance, he will directly go to his office and will be at home in the noon for lunch. In the meantime, the deceased was found lying in injured condition between railway station, Patna Jn. and Rajendra Nagar Terminus at 11.00 AM which creates a doubt about the alleged journey being performed by the deceased from Patna to Pandarak.



- v. Fifthly, perusal of post mortem reveals the injuries as amputation of both lower limbs, fracture of tibia and fibula from middle besides lacerations and abrasions all over the body, which are indicative of being hit by a fast moving object and not of fall from train.
- vi. Sixthly, the clothes on the dead body i.e. shirt, ganji (upper inner wear) and langota (lower inner wear) speak of a different story. It is not possible that a person who is destined to another town and then to his office, would wear suchlike clothes.
- vii. Lastly, the Respondent railway, in their DRM's report have concluded that:

जांच का निष्कर्ष:- सभी प्रपत्रों एवं परिस्थितिजन्य साक्ष्य से यह स्पष्ट होता है कि मृतक के पास से किसी प्रकार का यात्रा टिकट बरामद नहीं हुआ है अतः मृतक अधिकृत रेल यात्री नहीं था। मृतक के घर पंडारक पटना से आने जाने में करीब 05 घंटे का समय लगता है। मृतक कि पत्नी के बयान के अनुसार मृतक अपने निवास स्थान एग्जीक्यूटिव रोड से समय-05:00 बजे अपने घर पंडारक जाने के लिए निकले थे, जबकि घटना के संबंध में उप स्टेशन प्रबन्धक राजेन्द्रनगर के द्वारा समय-11:00 बजे मेमो जारी किया गया है। जिससे स्पष्ट होता है कि मृतक रेल से कहीं गया ही नहीं। घटनास्थल के पास अवैध रास्ता है, जिसका उपयोग कर स्थानीय लोगों के द्वारा एक तरफ से दूसरे तरफ आना जाना करते हैं।

अतः मृतक रेलवे लाइन पार करने के दौरान किसी अज्ञात गतिमान गाड़ी के चपेट में आने के कारण गंभीर रूप से जख्मी होने तथा इलाज के क्रम में मृत्यु होना प्रतीत होता है। जिसके लिए रेल प्रशासन जिम्मेवार नहीं है। उपर्युक्त घटना अनपेक्षित घटना नियम कि धारा 123 (C) की श्रेणी में नहीं आता है।'

23. In view of the facts and circumstances mentioned above and the conclusion in the DRM's report, it is held beyond doubt that the deceased was neither a bonafide passenger of the train nor he became victim of an untoward incident falling within the purview of Section 123(c)(2) of the Railways Act, 1989 and the incident causing his death is covered under the exceptional clause to Section



124-A of the Railways Act, 1989. Both these issues are, therefore, decided against the applicant and in favour of the respondent railway.

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24. In view of my findings on the aforesaid main issues, wherein it has been held that deceased was not a bona fide passenger of the train and the incident in question does not come within the purview of 'untoward incident' as defined in the Railways Act, 1989, therefore, discussion on these issues will be a redundant exercise and hence, relieved.

आदेश

ORDER

25. The present claim application of the applicant is dismissed being devoid of merit and disposed of accordingly. There shall be no order as to costs. Copy of this order be sent to the respondent railway as well as applicant through Speed post.

Pronounced in the open/ Hybrid court on 5th February, 2026.


(SHAIENDRA K. SHARMA)
MEMBER (TECHNICAL)
RCT/CDG