

(2025) 10 OHC CK 1348
In the Orissa High Court
Case No : F.A.O No. 100 Of 2021

Biswajit Pradhan

APPELLANT

Vs

Union Of India, Represented Through Its General Manager,
East Coast Railway, Bhubaneswar, Odisha

RESPONDENT

Date of Decision : 17-10-2025

Acts Referred:

Railways Act, 1989 — Section 123(c), 123(c)(2), 124A
Railway Claims Tribunal Act, 1987 — Section 16

Citation : (2025) 10 OHC CK 1348

Hon'ble Judges : Dr. Sanjeeb K Panigrahi, J

Bench : Single Bench

Advocate : Deepali Mahapatra, Deepak Gochhayat

Final Decision : Allowed

Judgement

Dr. Sanjeeb K Panigrahi, J

1. In the present appeal, the Appellant challenges the judgment and order dated 24.08.2020 passed by the Railway Claims Tribunal, Bhubaneswar in case No. O.A. (IIU)/94/2007, which dismissed the claim application for compensation arising out of the injury alleged to have occurred in an 'untoward incident within the meaning of Section 124A of the Railways Act, 1989.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:

(i) On 20.09.2013, the injured in person, Tutu Pradhan @ Pintu Pradhan, a bona fide passenger and holder of a valid journey ticket, was travelling by the Puri-Khurda KP2 Passenger Train from Puri to Khurda Road Railway Station.

(ii) During the journey, the compartment was overcrowded. Due to sudden jerk caused by the application of brakes and the push and pull of fellow passengers, the Claimant lost balance and accidentally fell from the running train between

Puri and Motari Station, and in consequence thereof, sustained grievous bodily injuries and sustained fracture injuries on his right leg below the knee.

(iii) The appellants thereafter filed Original Application No. 94 of 2007 before the Railway Claims Tribunal, Bhubaneswar under Section 16 of the Railway Claims Tribunal Act, 1987, seeking compensation under Section 124A of the Railways Act, 1989 on account of the injury sustained by the Appellant, resulting from the untoward incident.

(iv) Based on the pleadings of the parties, the Learned Tribunal framed five issues for consideration. After detailed examination, it concluded that the Appellant was not a bona fide passenger and not a victim of any untoward incident. Accordingly, the claim application was dismissed.

(v) Aggrieved by the judgment and order dated 29.11.2013 passed by the Railway Claims Tribunal, Bhubaneswar in the Original Application, the appellant preferred an appeal before this Hon'ble Court bearing F.A.O. No. 82 of 2014. The Hon'ble Court, by its judgment dated 20.12.2019, set aside the impugned judgment of the Learned Tribunal and remitted the matter for reconsideration, directing the Tribunal to complete the exercise regarding the grant of compensation in accordance with law.

(vi) Thereafter, pursuant to the remand, both the Appellant and Respondent appeared before the Learned Tribunal. Upon consideration, the Ld. Tribunal allowed the award of RS 80,000/- on 24.08.2020. and directed the Respondent to deposit the said amount within 30 days from the date of the communication of the award.

(vii) Being aggrieved by award dated 24.08.2020 passed in O.A.No. 94 of 2007 by the Railway Claims Tribunal, Bhubaneswar, the Appellants preferred the present Appeal before this Court.

II. SUBMISSIONS ON BEHALF OF THE APPELLANT:

3. Learned counsel for the Appellant earnestly made the following submissions in support of his contentions:

(i) The Appellant respectfully submits that the impugned judgment and order passed by the Learned Railway Claims Tribunal, Bhubaneswar, dismissing the Original Application in respect of the alleged untoward incident resulting in the injury of the Appellant is erroneous, contrary to the evidence on record, and suffers from gross misappreciation of material facts and legal provisions.

(ii) The Tribunal did not dispute the authenticity or genuineness of the Railway Journey Ticket produced by the injured, nor did the Respondent lead any contra evidence to discredit the same. The Tribunal however, proceeded on the premise that the injuries sustained by Appellant were self-inflicted injury, thereby disentitling him to compensation.

(iii) The Appellants contended that the Learned Tribunal failed to duly appreciate

and analyse the evidence adduced on their behalf. Further, without giving due consideration to the nature and extent of the injuries sustained, the Learned Tribunal passed the impugned award, which is manifestly inconsistent with the Schedule of Compensation for death and injuries as prescribed under the Railway Claims Tribunal Act, 2017. In view of the foregoing, it is submitted that the impugned award is liable to be suitably enhanced.

(iv) Section 124A of the Railways Act, being a beneficial and welfare legislation imposes a strict and statutory liability on the Railways to compensate the Appellants, unless the case falls within the express statutory exceptions, none of which are applicable here. Once the injuries results from an untoward incident occurring in the course of railway travel, the liability of the Railways to pay compensation arises ipso facto and automatically. So, the Tribunal's contrary finding is perverse, contrary to the legislative intent.

III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:

4. On the contrary the Learned Counsel from the Respondent made the following submissions:

(i) In cases of untoward incidents, the initial burden of establishing the claim lies upon the claimant. In the present matter, the claimant has failed to satisfactorily discharge this burden. From the circumstances surrounding the alleged injury, it does not appear to be a case of accidental fall from a running train but indicates a self-inflicted injury. Such conduct falls within the exceptions contemplated under Section 124A of the Railways Act, 1989, and, therefore, no liability can be fastened upon the Respondents.

(ii) A meticulous scrutiny of the contemporaneous documentary corpus and the surrounding factual matrix militates against the hypothesis of an accidental fall from a moving train, and contrarily, yields a preponderant inference of a self-inflicted injury. Such conduct, being ex facie subsumed within the exclusionary ambit of the proviso to Section 124A, is statutorily immunized from the operation of the rule of strict liability that otherwise attaches under the main provision.

(iii) The Tribunal, upon a reasoned and comprehensive appreciation of the evidentiary record, rightly disbelieved the testimony of the Appellant, holding that the injuries sustained were attributable to his own rash and negligent conduct, and accordingly dismissed the claim application. However, being dissatisfied with the said adjudication, the claimant preferred a petition before the Hon'ble High Court of Orissa, wherein the Hon'ble Bench was pleased to set aside the impugned order and remit the matter to the Learned Tribunal with a direction to undertake the exercise afresh for determination and grant of just and appropriate compensation to the claimant.

(iv) The Respondents further submitted that the nature of the injury sustained by the claimant, being a compound fracture in one of the legs, squarely falls under Entry No. 33 of Part III of the Schedule of Compensation for death and injuries

as prescribed under the Railway Claims Tribunal Act, 2017. Accordingly, the compensation awarded by the Learned Tribunal is commensurate with the extent of disability and injury suffered by the claimant.

(v) In the absence of any cogent, credible, or corroborative evidence establishing bona fide passengership, the indispensable precondition for the invocation of statutory liability under Section 124A Railways Act, 1989, remains unfulfilled. The claim, thus bereft of the requisite factual and legal foundation, stands rendered unsustainable and non-maintainable within the statutory framework, as the sine qua non for attracting the principle of strict liability is conspicuously absent.

IV. FINDINGS OF THE TRIBUNAL:

5. The Railway Claims Tribunal, Bhubaneswar Bench heard the parties, perused the documents on record, and upon the basis of the pleadings framed five issues for consideration.

6. On Issues 1, 2 and 3, which were taken up together, the Tribunal observed that the initial burden of proof rested upon the applicant to establish that the Appellant was a bona fide passenger and that the injuries sustained were the result of an "untoward incident" within the meaning of Section 123(c)(2) of the Railways Act, 1989.

7. The Tribunal held that such circumstances of the case clearly indicated that the injuries sustained by the Appellant were self-inflicted, and not the result of an accidental fall from the train. Consequently, the occurrence did not constitute an "untoward incident" within the ambit of Section 123(c)(2) of the Railways Act, 1989. The Tribunal observed that the sine qua non for invoking Section 124A, namely, proof of an untoward incident during the course of a bona fide journey, had not been established. It was therefore concluded that the injury was attributed to the Appellant's own fault, and the Railways stood protected under the exception clause Section 124A of the Act.

8. The Learned Tribunal, upon a meticulous and reasoned appraisal of the entire evidentiary corpus, found the testimony of the Appellant to be unworthy of credence and rightly concluded that the injuries sustained were a consequence of his own rash and negligent conduct. Consequently, the claim application came to be dismissed. However, being aggrieved by the said adjudication, the claimant invoked the jurisdiction of the Hon'ble High Court of Orissa, wherein the Hon'ble Bench, upon due consideration, was pleased to set aside the impugned order and remand the matter to the Learned Tribunal with a direction to undertake a fresh exercise for the determination and award of just, fair, and reasonable compensation in accordance with law.

9. Consequently, Issues 1, 2 and 3 were answered against the applicants. In view of such findings, the Tribunal considered it unnecessary to examine Issues 4 and 5 relating to dependency and relief. The claim application was thus dismissed.

V. COURT'S REASONING AND ANALYSIS:

10. Heard Learned Counsel for parties and perused the documents placed before this Court.

11. The central questions that arise for consideration are:

(i) whether the deceased was a bona fide passenger?

(ii) whether the incident amounts to an 'untoward incident' within the meaning of Section 123(c)(2) read with Section 124A of the Railways Act, 1989?

(iii) whether the Railway Administration stands absolved of liability by reason of any exceptions under Section 124A?

12. This Court observed that once the primary facts, namely, the occurrence of an "untoward incident" resulting in the injury of a bona fide passenger, are duly established, the liability of the Railway Administration becomes absolute under Section 124A of the Railways Act, 1989. The Court held that the absence of any wrongful act, negligence, or default on the part of the Railway Administration is irrelevant, as the statutory provision enshrines the doctrine of strict liability. Accordingly, once the criteria under Section 124A are met, the Railway is statutorily bound to compensate, irrespective of fault.

13. At the very threshold, it becomes necessary to delineate the statutory architecture that governs the field of liability under the Railways Act, 1989. Section 124A of the Act incorporates within its fold the doctrine of strict or no-fault liability, thereby dispensing with the requirement of proving negligence, wrongful act, or default as a precondition to the accrual of compensatory entitlement. The provision, in clear and unambiguous terms, mandates that once it stands established that the death or injury in question has ensued from an "untoward incident" as defined under Section 123(c) of the Act, the Railway Administration becomes statutorily bound to pay compensation to the victim.

14. The legislative intent underlying this provision is manifestly remedial and welfare-oriented, aimed at ensuing certainly and uniformly in compensation for victims of railway mishaps. The liability so created is absolute in character, admitting of exception only to the extent expressly carved out in the proviso to Section 124A- which, being in the nature of an exclusion clause, is to be construed narrowly and restrictively.

15. On the issue of bona fide, this Court is constrained to observe that the Ld. Tribunal has rightly recorded a finding with regard to the recovery of journey ticket from the possession Appellant. However, the conclusion drawn by the Tribunal suffers from a misdirection in law as to the nature and extent of the claimant's evidentiary burden under Section 124A of the Railways Act, 1989. The finding that the Appellant was a bona fide passenger ought to have led to a corresponding inference that the injury arose out of an untoward incident, unless rebutted by cogent evidence falling within the statutory exceptions.

16. On the contrary, the Learned Tribunal proceeded on an erroneous premise that the injuries sustained by the Appellant were self-inflicted and not the result of an accidental fall from a running train. Proceeding on such reasoning, the Tribunal concluded that the occurrence did not amount to an "untoward incident" within the contemplation of Section 123(c)(2) of the Railways Act, 1989, and consequently held the Appellant to be unworthy of credence, attributing the injuries to his own rash and negligent conduct. As a corollary, the claim application was dismissed. Being aggrieved by the said adjudication, the claimant invoked the appellate jurisdiction of the Hon'ble High Court of Orissa, wherein the Hon'ble Bench, upon an elaborate consideration of the materials on record, was pleased to set aside the impugned order and remit the matter to the Learned Tribunal with a direction to undertake a de novo determination for the assessment and award of just, fair, and reasonable compensation in accordance with law.

17. Upon a meticulous and comprehensive reappraisal of the entire evidentiary record, this Court is satisfied that the bona fide passengership of the Appellant stands duly established and is no longer in dispute. However, it is observed that the award rendered by the Learned Tribunal is not in consonance with the governing legal principles and the statutory framework. In the present case, the claimant sustained grievous injuries to his right leg, and the medical evidence on record indicates that the permanent physical disability has been assessed at 40%. In such circumstances, the quantum of compensation awarded by the Learned Tribunal appears manifestly on the lower side and warrants appropriate enhancement in the interest of justice.

18. In the present case, the incident squarely falls within the ambit of an "untoward incident" and none of the statutory exceptions enumerated under the proviso of Section 124A are attracted in the present case. As such the statutory liability of the Railway Administration stands attracted, and the claim for compensation is legally maintainable under the framework of strict liability provided by the Act.

19. Accordingly, this Court is of the considered view that, in terms of the Schedule appended to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, the claimant is entitled to be awarded compensation commensurate with the nature and extent of disability sustained, as duly established by the medical evidence on record.

VI. CONCLUSION:

20. In the light of the foregoing discussion, this Court is satisfied that the appellant has established that he was a bona fide passenger and that the injury occurred as a result of an "untoward incident" within the meaning of Section 123(c)(2) read with Section 124A of the Railways Act, 1989. None of the statutory exceptions under the proviso to Section 124A are attracted.

21. The impugned judgment and order dated 24.08.2020 passed by the Railway

Claims Tribunal, Bhubaneswar in Original Application No. 94 of 2007 are set aside.

22. The appeal is, therefore, allowed.

23. The appellant is entitled to compensation of Rs.1,60,000/- (Rupees one lakhs sixty thousand) from the date of filing of the claim application until payment. The respondent Railways shall deposit the amount before the Tribunal within three months, whereupon it shall be disbursed to the appellant in accordance with law.

24. Interim order, if any, passed earlier stands vacated.