

(2001) 10 JH CK 0013

In the Jharkhand High Court

Case No : Appeal from Original Order No. 81 of 1987 (R)

Rukmini Singh

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 03-10-2001

Acts Referred:

Railways Act, 1890 — Section 82
Workmens Compensation Act, 1923 — Section 2

Citation : (2001) 10 JH CK 0013

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : A.K. Sahani, for the Appellant; Mahesh Tiwari, for the Respondent

Final Decision : Dismissed

Judgement

Gurusharan Sharma. J.

1. In a railway accident dated 21.7.1986 at Gomoh Railway station one Niraj Kumar, who was a student of B.Sc.. lost his life. He was travelling by 28 UP Mourya Express from Samastipur Railway Station to Bokaro Steel City. He was a bona fide passenger with valid railway ticket and died in the accident.
2. On behalf of Smt. Rukmini Devi mother of deceased, her husband Shatrughan Prasad Singh, as her attorney filed Accident Claim Case No. 2 of 1987, under the provisions of Railways Act, 1890 before the Ad-hoc Claim Commissioner (Gomoh Railway Accident). Dhanbad.
3. Shatrughan Prasad Singh in his deposition as A.W. 3 before the Claim Commissioner stated that his deceased son was a student of B.Sc. final year and admitted that his wife Rukmini Devi was fully dependent on him.
4. In such circumstance, moot question before the Claim Commissioner was whether claimant-mother was entitled to get compensation on the death of her son in the railway accident in question. The relevant fact to be ascertained for

the purpose was whether she was dependent on her son or not.

5. The word "dependent" is defined u/s 82-C (i)(d) of the Railways Act. 1890 and in this regard provisions of Section 2(i)(d)(i) of the workmen Compensation Act has also to be taken into consideration for this purpose. In this regard statement of Shatrughan Prasad Singh. AW 3, who was father of the deceased is fatal. He specifically admitted that his wife as financially dependent on him. It was therefore, established that Rukmini Devi was not dependent on his son, who died in the railway accident.

6. I, therefore, find no reason to interfere with the impugned award. This appeal is dismissed, but without costs.

7. Appeal dismissed.