
(2025) 11 JH CK 1884

In the Jharkhand High Court

Case No : Miscellaneous Appeal No.303 Of 2024

Santosh Oraon

APPELLANT

Vs

Union of India through the General Manager

RESPONDENT

Date of Decision : 04-11-2025

Acts Referred:

Citation : (2025) 11 JH CK 1884

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Vijay Shankar Jha, Ravi Prakash

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

1. Claimants are in appeal against the judgment and order dated 30.05.2024 passed by the Railway Claims Tribunal, Ranchi Bench, Ranchi in Claim Application No.OA (IIU)/RNC/20/2023, whereby and whereunder the claim case has been dismissed.

2. As per the case of the claimants, Ms. Sarita Kumari, died in a railway accident on 17.05.2022 while returning home from Ranchi to Latehar by train. The accident took place when the deceased attempted to alight from the train at Latehar station by Train No.18635. Claimants are parents of the deceased.

3. Learned Tribunal rejected the claim application on the ground that the claimants had failed to prove that the deceased was a bona fide passenger in the said train, as no ticket was produced in support of it. It also noted that death was not accidental, rather, it was suicidal in nature.

4. It is submitted by learned counsel on behalf of the appellants that admittedly there is no eye witness to the accident. Although two witnesses have been examined on behalf of the claimants, but the documentary evidence adduced on behalf of the claimants established that it was a case of fatal accident suffered in

a train accident. As per the entry made in the inquest report, Exhibit A-4, the deceased fell down at Platform No.2 from Train No.18635 (Intercity Express) resulting in her accidental death. As per the UD case report (Exhibit A-3), Barkakana U.D. Case No.12/2022 was registered on the fardbeyan of one Sonu Kumar recorded by ASI, Railway P.S., Barkakana which states that it was a case of death due to fall from the running train. These facts are also corroborated by the post-mortem report Exhibit A-6 and final report (A-7).

5. Learned counsel on behalf of the Railways has defended the impugned order. It is submitted that there is not a single eye witness to support the claim that the death was accidental. Two witnesses who have been examined, have stated that when train was passing from Latehar station, the deceased attempted to get down from the running train, resulting in her accidental death. It is also contended that the documents relied by the claimants, are not substantive evidence.

6. Having considered the submissions advanced on behalf of both sides and considering the materials on record, it need to be stated at the outset that the degree of proof, varies in criminal as well as civil cases. Further, the Railways Act, 1989 is a beneficial piece of legislation and strict proof as in civil or criminal cases, will not apply. In the present case, the documentary evidence, unerringly and consistently lead to an inescapable conclusion that the deceased was travelling on Train No.18635 and while trying to get down from the train, she met with the accident, resulting in her death. Against the weight of oral and documentary evidence, there is no contrary evidence to anyway suggest that it was a case of suicidal death. Thus, the finding as recorded by the Tribunal that it was a suicidal death, is perverse and is not sustainable. So far, the railway ticket is concerned, simply because it could not be recovered from the dead body or from the surrounding, it cannot be a ground for rejecting the claim application.

7. The impugned order is set aside. Claimants will be entitled to compensation of Rs.8,00,000/- (Rupees Eight Lakhs) with interest @ 7.5% per annum from the date of accident as per notification dated 22nd December, 2016 of the Ministry of Railways. The respondent is directed to make the payment to the claimants within a month from the date of receipt of copy of this order after proper identification of the claimants.

Miscellaneous Appeal is allowed. Interlocutory Application, if any, is disposed of.