

(2025) 10 JH CK 1298

In the Jharkhand High Court

Case No : Miscellaneous Appeal No. 237 of 2024

Suresh Ray, S/o Late Bhuneshwar Ray

APPELLANT

Vs

Union of India through the General Manager

RESPONDENT

Date of Decision : 16-10-2025

Acts Referred:

Railways Act, 1989 — Section 2(29)

Railway Claims Tribunal Act, 1987 — Section 16

Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 —
Rule 3

Citation : (2025) 10 JH CK 1298

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Manish Kumar, Prabhat Kumar, Niki Sinha

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

1. The claimants/ appellants have preferred the instant Misc. Appeal against the judgment/ order dated 22.11.2023 passed by learned Member (Judicial)/ RCT/ Ranchi and Member (Technical)/ RCT/ Ranchi, in Case No.OA (IIU)/ RNC/ 17/2019 whereby and whereunder the claim case preferred under Section 16 of the Railway Claims Tribunal Act, 1987 has been dismissed by the learned Tribunal.

2. As per the case of the claimants, it is alleged that on 16.02.2018, claimant no.2 [mother of the deceased] had purchased ticket for her son, namely, Shiva Kumar, aged about 12 years for his journey from Rajgram Railway Station to Tinpahar. After he boarded the train, his mother returned from the Railway Station. Later, the news about the mishap was received that he fell down from the running train at Gumani Railway Station, where his dead body was found.

3. The claim case was contested by the respondent-Railways, inter-alia, on the ground that the deceased was not a bona-fide passenger of any train on the

fateful day and a manufactured story has been set up by giving it a colour of train accident.

4. Altogether two witnesses were examined on behalf of the claimants and relevant documents including fardbeyan, inquest report, FIR, Post-mortem report etc., were adduced as evidence and marked as Exhibits.

5. Learned Tribunal dismissed the claim application on the ground that there was no eyewitness or independent witness to the alleged accident. Learned Tribunal opined that mere recovery of deadbody from the track was not sufficient to prove that the death was on account of the untoward accident as defined under Section 2(29) of the Railways Act.

6. It is argued by the learned counsel on behalf of the appellants-claimants that the documents which have been adduced on behalf of the respondent-Railways consistently state that the cause of accident was due to fall from a running train. Although the claimants are not the direct eye witnesses as the accident took place at the remote place, still they have deposed that death was caused due to fall from a train and their testimony had remained undemolished in the cross-examination. In any case, production of ticket is not an essential requirement for claim made under Railways Act as held by the Apex Court in *Union of India Vs. Rina Devi*, (2019) 3 SCC 572.

7. Learned counsel appearing on behalf of the respondent-Eastern Railway submits that there is not a single eyewitness to the accident and the documents on which the claimants are relying are not substantive piece of evidence to draw an inference that death was accidental in nature. There is no evidence to suggest that the deceased was a bona-fide passenger as neither ticket has been produced nor the evidence of any co-passenger has been recorded. It also could not be explained as to how the minor was travelling all alone in the train.

8. Having considered the submissions on behalf of both sides and perusing the materials on record, it be noted at the outset that the claim for compensation has been preferred under the Railways Act, 1984 and the relevant provisions are the beneficial piece of legislation. Hon'ble Supreme Court has held in the case of *Rina Devi* (supra) that production of a passenger ticket is not a sine qua non to prove that the deceased was a bona-fide passenger. This is also for the reason that the accident at many times takes place in odd hours of the day or at night in remote places, and it will become a consignable burden on the claimants, to produce railway ticket(s) of the deceased passenger in all cases.

9. Here, in the present case as per the fardbeyan which was recorded on the very same day of accident i.e., on 16.02.2018 states that the cause of death was due to fall from a running train. The similar statement has been recorded in the entries in the inquest report (Ext.A-3) and the final report (Ext.A-6). The weight of evidence cumulatively suggests that death was accidental death by fall from a train. Both the witnesses have been cross-examined and their testimony has remained undemolished regarding the factum of accident. No contrary evidence

has been led on behalf of the Respondent- railways.

10. Under the circumstance, overwhelming evidence cannot be cast away only for the reason that the deceased was a minor and travelling alone. The judgment and finding of the learned Tribunal is set aside.

11. Under the circumstance, in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, a sum of Rs.8,00,000/-(Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident till the date of payment which will be paid by the respondent-Railways within a month of the order. This Miscellaneous Appeal stands allowed. Let the LCR be remitted to the concerned Tribunal.

Pending I.A., if any, stands disposed of.