
(2004) 08 AHC CK 0022
In the Allahabad High Court
Case No : F.A.F.O. No. 660 of 2002

Union of India (UOI)

APPELLANT

Vs

Smt. Sushila Devi and Others

RESPONDENT

Date of Decision : 25-08-2004

Acts Referred:

Railways Act, 1989 — Section 123, 124A

Citation : (2006) ACJ 806 : (2005) 2 AWC 1773

Hon'ble Judges : U.K. Dhaon, J; M.A. Khan, J

Bench : Division Bench

Advocate : Anil Srivastava, for the Appellant; Ravindra P. Singh, for the Respondent

Final Decision : Dismissed

Judgement

U.K. Dhaon and M.A. Khan, JJ.—This is an appeal arising out of the judgment and award dated 28.8.2002, passed by the Railway Claims Tribunal, Lucknow, thereby awarding a sum of Rs. 4,00,000 by way of compensation to the heirs of deceased Amerika Prasad Yadav.

2. A claim case was filed before the Tribunal with the allegations that deceased Amerika Prasad Yadav was travelling on 19.6.2001 by Train No. 3010 Dn., Doon Express. He accidentally fell down at a place in between Kanpur-Dariyabad Railway Stations and died on the spot. The claimants are his heirs and have filed the claim petition u/s 124A of the Railways Act.

3. The claim case was contested by the Railway administration amongst others on the grounds that deceased Amerika Prasad Yadav was not a bona fide passenger of the train in question and even if he was travelling in the said train, he had endangered his own safety by his negligence and rashness and, therefore, heirs are not entitled to claim any compensation.

4. On the pleadings of the parties, the learned Tribunal framed as many as four issues in the case and after recording evidence and on appraisal thereof came to

the conclusion that the present claimants are the dependants of the deceased and further that on 19.6.2001 the death of Amerika Prasad Yadav was caused due to "untoward incident" within the meaning of Section 123(c) of the Railways Act. With these findings the learned Tribunal awarded the amount of Rs. 4,00,000 to the heirs of the deceased. Aggrieved by the said judgment and award, the present appeal has been filed.

5. We have heard the learned counsel for the parties at length and have gone through the record and we find that the provisions of Section 124A of the Railways Act are beneficial legislation and strict proof of the matters is not required. The fact that Amerika Prasad Yadav was travelling by Train No. 3010 Dn. Doon Express on 19.6.2001 is not disputed even by the Railway Administration. According to the claimants, it is said that Amerika Prasad Yadav fell accidentally, while the case of the railways is that the deceased himself had endangered his own safety by his negligence and rashness. From the side of the railways there is no evidence at all to show or to suggest that deceased had committed suicide at the place of accident. On the other hand, there is evidence that the body of Amerika Prasad Yadav was found near railway track at a place between Kanpur-Dariyabad Railway Stations. There is police report on record showing that Amerika Prasad Yadav died due to accidental fall from the train. Such a case is thus squarely covered by the provisions of Section 123(c) of the Railways Act. The learned Tribunal was thus fully justified in awarding the amount of compensation. We find no illegality or impropriety in the judgment and award passed by the learned Tribunal.

6. In the result, the appeal fails and is dismissed.

7. The amount of compensation, which is in deposit, shall be allowed to be withdrawn by the claimants-respondents. The amount, if any, still remains due, the same shall be deposited by the appellant within four weeks, which shall also be allowed to be withdrawn by the claimants-respondents.