



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

.....Appellants

.....Respondents

|   |                                                                                                             |                       |
|---|-------------------------------------------------------------------------------------------------------------|-----------------------|
| 1 | <i>The date when the judgment was reserved</i>                                                              | <i>10.07.2026</i>     |
| 2 | <i>The date when the judgment is pronounced</i>                                                             | <i>24.07.2026</i>     |
| 3 | <i>The date when the judgment is uploaded on the website</i>                                                | <i>24.07.2026</i>     |
| 4 | <i>Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced</i> | <i>Full</i>           |
| 5 | <i>The delay, if any, of the pronouncement of full judgment, and reasons thereof.</i>                       | <i>Not applicable</i> |

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Ujjval Mittal, Advocate,  
for the appellants

Mr. Sandeep Bhatia, Senior Panel Counsel,  
for respondent- UOI.

\*\*\*\*\*

***HARKESH MANUJA, J.***

1. The present appeal has been preferred on behalf of the claimants being the dependants of the deceased-Abhimanyu, assailing the award dated 14.11.2014 passed by the learned Railway Claims Tribunal, Chandigarh (for

2026:PHHC:102266



brevity, *“the Id. Tribunal”*), whereby the claim petition filed by them came to be dismissed.

### **FACTS**

2. Briefly stating, the deceased alongwith his daughter and son-in-law reached Amritsar railway station and purchased three computerized tickets from Amritsar to Ludhiana. They boarded Jan Nayak Express train. When the train reached Ludhiana and the deceased was about to alight from the train, he got slipped and fell down. The deceased's daughter and his son-in-law got him admitted in civil hospital where he died in the intervening night of 11/12.01.2012.

3. In the written statement filed on behalf of the respondent/ Railways, claim was contested on the ground that the incident does not fall under the provisions of Section 123 (c) (2) read with Section 124-A of The Railways Act, 1989 (for brevity, *“the 1989 Act”*) and that the deceased was not a *bona fide* passenger being not in possession of a valid railway ticket. On the basis of the pleadings following issues were framed :-

*“1. Whether the deceased was a bonafide passenger of train at the time of incident?*

*2. Whether the incident is covered within the ambit of Section 123 (c) (2) read with Section 124-A of the Railways Act?*

*3. Whether the applicant(s) is/are the sole dependant (s) of the deceased?*

*4. Relief.”*

4. The Id. Tribunal, vide order dated 14.11.2014, dismissed the claim petition holding that no ticket was recovered from the deceased and that the

2026:PHHC:102266



claimants failed to establish that the deceased was involved in any untoward incident. Hence, the present appeal.

**CONTENTIONS:**

**ON BEHALF OF THE APPELLANTS-CLAIMANTS:-**

5. Ld. counsel appearing on behalf of the appellants/claimants assailed the award dated 14.11.2014 by contending that the ld. Tribunal erred in holding that the deceased was not a *bona fide* passenger merely on the ground that no journey ticket was recovered in the *fard jamabandi* and by treating the ticket subsequently produced along with the affidavit of Punita Devi as a procured document allegedly managed in connivance with the railway authorities. It was submitted that the journey ticket was a computerized ticket bearing a unique serial number along with the date and time of issuance, thereby ruling out any possibility of fabrication or procurement. Ld. counsel further contended that the ld. Tribunal failed to properly appreciate the inquest report and the post-mortem report, both of which recorded that the injuries sustained by the deceased were ante-mortem, sufficient to cause death in the ordinary course of nature, and that the possibility of the injuries having been caused in a railway accident could not be ruled out, thereby supporting the appellant's case that the deceased died after falling from a train. It was further submitted that the ld. Tribunal overlooked other material evidence and statements on record and, therefore, the impugned award deserved to be set aside and the present appeal be allowed.

**ON BEHALF OF RESPONDENT**

2026:PHHC:102266



6. Per contra, ld. counsel appearing on behalf of the respondent contended that the deceased was not in possession of a valid journey ticket and, therefore, could not be regarded as a *bona fide* passenger entitled to claim compensation under Section 124-A of the 1989 Act. Ld. counsel, thus submitted, that the findings of the ld. Tribunal been recorded after proper appreciation of the facts and evidence, warrant no interference by this Court.

**DISCUSSION AND REASONING:-**

7. I have heard learned counsel for the parties and perused the record.

**Issue regarding deceased being a *bona fide* passenger**

8. The Hon'ble Apex Court in *Union of India vs. Rina Devi, (2019) 3 SCC 572*, held that mere presence of a body on railway premises will not, by itself, be conclusive to hold that the deceased was a *bona fide* passenger; equally, mere absence of a ticket with the deceased will not negate the claim that he was a *bona fide* passenger. The initial burden lies on the claimant, which can be discharged by filing an affidavit of the relevant facts; thereafter, the onus shifts to the Railways, where the Railways lead no evidence to discharge it, the presumption that the deceased was a *bona fide* passenger stands un rebutted and the issue is to be decided on the facts and attending circumstances of each case.

9. The test laid down in *Rina Devi's case (supra)* stands reiterated by the Hon'ble Apex Court in *Doli Rani Saha vs. Union of India, 2024 (9) SCC 646*, observing as under:-

*“In Rina Devi (supra), a two-Judge Bench of this Court considered the question of the party on which the burden of proof will lie in cases where the body of the deceased is found on railway premises. This Court held that the initial burden would be on the claimant, which*

2026:PHHC:102266



*could be discharged by filing an affidavit of the relevant facts. Once the claimant did so, the burden would then shift to the Railways. Significantly, it also held that the mere absence of a ticket would not negate the claim that the deceased was a bona fide passenger. The relevant extract from the ruling of the Court is reproduced below:*

*"29. **We thus hold** that mere presence of a body on the railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly."*

*(emphasis supplied)*

*14. In the present case, the appellant had duly filed an affidavit stating the facts and adverting to the report arising from the investigation conducted by the respondent, which showed that the deceased was travelling on the train and that his death was caused by a fall during the course of his travel. The burden of proof then shifted to the Railways, which has not discharged its burden. Therefore, the presumption that the deceased was a bona fide passenger on the train in question was not rebutted."*

10. In the present case, the wife of the deceased, Smt. Punita Devi, and the son-in-law of the deceased, Sh. Santosh Prashad, appeared as AW-1 and AW-2 respectively and tendered their affidavits in evidence. Their testimonies remained consistent with regard to the purchase of a valid computerized journey ticket by the deceased as well as the circumstances leading to the untoward incident. AW-2, who was travelling with the deceased and was also an eye-witness to the occurrence, specifically deposed that the deceased, the deponent and the daughter of the

2026:PHHC:102266



deceased had purchased computerized journey tickets from Amritsar to Ludhiana Railway Station (one common ticket for two persons and one separate ticket). He further stated that while the deceased was about to alight from the train, he accidentally slipped and fell down, whereupon the deponent along with the daughter of the deceased shifted him to the Civil Hospital, Ludhiana. He had also deposed as to the circumstances in which the journey ticket came to be recovered and was subsequently produced before the Id. Tribunal. Furthermore, even the inquest report dated 12.01.2012 (Ex. A-1) duly verified by the SHO, GRPF, Ludhiana was also proved on record to prove the accident.

10.1 The Id. Tribunal, however, discarded the said evidence and held that the deceased was not a *bona fide* passenger solely on the ground that no journey ticket was recovered in the *fard jamabandi*, further observing that the ticket subsequently produced alongwith the affidavit of Punita Devi was a procured document. In the considered opinion of this Court, this finding is unsustainable especially when the genuineness of the ticket has neither been disputed nor rebutted even by the respondent-Railways through any material or convincing evidence. Applying the dictum in *Rina Devi (supra)* and *Doli Rani Saha (supra)*, once the claimants adduced affidavits asserting that the deceased was travelling on a valid journey ticket, the initial burden of establishing his status as a *bona fide* passenger stood discharged. The onus thereafter shifted to the respondent-Railways to rebut the said evidence. In the present case, the Id. counsel for the Railways was not able to point out any evidence led to rebut the affidavits of AW-1 and AW-2.

2026:PHHC:102266



Thus, the burden of proving the deceased to be *bona fide* passenger stood duly discharged by the appellants.

**Issue as to whether the incident constitutes an "untoward incident"**

11. Once the status of the deceased as a *bona fide* passenger stands established, the manner of death assumes significance. The evidence on record duly corroborates with the version of the claimants deposed by them on affidavit as regards the manner of accident. The Inquest Report No.8 dated 12.1.2012 (Ex. A-1), duly verified by SHO, GRPS, Ludhiana, records right foot crushed, injury marks on the eyes, friction/abrasion marks on the body and fractured pelvis. The post-mortem report dated 12.01.2012 (Ex.A-11) records injuries consistent with the above; both the aforementioned documents record that the injuries were ante-mortem and sufficient to cause death in the ordinary course of nature and conclude that the possibility of a railway accident cannot be ruled out. The factum of the deceased falling from the train "Jan Nayak Express" while alighting from the said train at Ludhiana Railway Station and thereby suffering injuries has even been confirmed in the final report prepared by the SHO, GRPS Ludhiana. Thus, considering together, the nature and location of the injuries, the report prepared by SHO, and the consistent, unrebutted testimony of AW-1 and AW-2, duly establish that the deceased had accidentally fallen from the train.

Once it stands established that the deceased was travelling by train and fell therefrom, the incident squarely falls within the second segment of "*untoward incident*" of Section 124A of the 1989 Act as explained in ***Rathi Menon vs. Union of India, (2001) 3 SCC 714***. The relevant portion is extracted hereunder:-

2026:PHHC:102266



*“13. Appellant's claim for the compensation was based on Section [124A](#) of the Railways Act, 1989 (for short "the Act"). The said Section itself was introduced as per Railway (Amendment) Act 28 of 1994. The Section provided for awarding compensation to victims of any "untoward incident" which occurs in the course of working of a railway. The expression "untoward incident" was alien to Railway Act before Parliament inserted such an expression in the statute as per the Amendment Act 28 of 1994. Prior to it the Railways could have granted compensation only to the victims of "Accident". As the definition of accident in the Act did not embrace instances of other types of disasters which frequently happened during train journeys, the Parliament in its wisdom, decision to insert a new category of disasters, both man-made and otherwise, to be the causes of action for claiming compensation.*

*14. It was in compliance of the aforesaid intention of the Parliament that the category "untoward incident" was included by defining its contours in section 123 of the Act. The Sections consists of two segments. In the first segment acts such as terrorists acts, riotous attacks, robbery and dacoity which visit the passengers in the train as well as those who wait within the precincts of Railway Station are included. In the second segment, which is the relevant part for the purpose of this case, is included "the accidental falling of any passenger from a train carrying passengers.”*

## **CONCLUSION**

12. In view of the foregoing discussion, the findings recorded by the Id. Tribunal cannot be sustained and are hereby set aside.

13. On the question of quantum of compensation and interest, the Hon'ble Apex Court in ***Rina Devi (supra)*** held that compensation is payable as applicable on the date of the accident, together with reasonable interest. It was further held that the amount of compensation payable as on the date of the accident, along with reasonable interest, must first be computed and, if the amount so arrived at is less than the compensation prescribed as on the date of the award, the claimant would

2026:PHHC:102266



be entitled to the higher of the two amounts. The aforesaid principle was subsequently reiterated by the Hon'ble Supreme Court in ***Union of India v. Radha Yadav (Civil Appeal Nos. 1265–1266 of 2019)***. The relevant extract from ***Radha Yadav (supra)*** is reproduced hereunder for reference:

*“10. The issue raised in the matter does not really require any elaboration as in our view, the judgment of this Court in the case of **Rina Devi** is very clear. What this Court has laid down is that the amount of compensation payable on the date of accident with reasonable rate of interest shall first be calculated. If the amount so calculated is less than the amount prescribed as on the date of the award, the claimant would be entitled to higher of these two amounts. Therefore, if the liability had arisen before the amendment was brought in, the basic figure would be as per the Schedule as was in existence before the amendment and on such basic figure reasonable rate of interest would be calculated. If there be any difference between the amount so calculated and the amount prescribed in the Schedule as on the date of the award, the higher of two figures would be the measure of compensation. For instance, in case of a death in an accident which occurred before amendment, the basic figure would be Rs.4,00,000/-. If, after applying reasonable rate of interest, the final figure were to be less than Rs.8,00,000/-, which was brought in by way of amendment, the claimant would be entitled to Rs.8,00,000/-. If, however, the amount of original compensation with rate of interest were to exceed the sum of Rs.8,00,000/- the compensation would be in terms of figure in excess of Rs.8,00,000/-. The idea is to afford the benefit of the amendment, to the extent possible. Thus, according to us, the matter is crystal clear. The issue does not need any further clarification or elaboration.”*

14. Accordingly, the present appeal is allowed. The appellants are held entitled to compensation of Rs. 4,00,000/- on account of death of the deceased, Abhimanyu, in an untoward railway incident, in accordance with the Schedule appended to the Railway Accidents and Untoward Incidents (Compensation)

2026:PHHC:102266



Rules, 1990, as applicable on the date of the accident, i.e. 11.01.2012, together with interest at the rate of 9% per annum from the date of institution of the claim application till the date of actual realization. It is, however, clarified that if the amount so computed, is less than the amount prescribed as on the date of the award, the claimant would be entitled to higher of these two amounts in terms of the law laid down by the Hon'ble Supreme Court in *Rina Devi's case (supra)* and *Radha Yadav's case (supra)*.

15. Pending application(s), if any, also stand disposed of.

24.07.2026

(HARKESH MANUJA)

sonika

JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes