

2026:PHHC:104564



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4374-2016 (O&M)

ENUDIN AND ANOTHER

...Appellants

Vs.

UNION OF INDIA

...Respondent

1	The date when the judgment was reserved	10.07.2026
2	The date when the judgment is pronounced	31.07.2026
3	The date when the judgment is uploaded on the website	31.07.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: HON’BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Atul Bhatia, Advocate
for the appellants.

Mr. Amit Sharma, Advocate, Senior Panel Counsel,
for respondent-UOI.

HARKESH MANUJA, J.

1. By way of the present appeal, challenge came to be laid to the judgment dated 07.12.2015 passed by the learned Railway Claims Tribunal, Chandigarh Bench (hereinafter referred to as "the Tribunal"), whereby the claim application preferred by the appellants under Section 16

of the Railway Claims Tribunal Act, 1987 read with Section 124-A of the Railways Act, 1989 seeking compensation on account of the death of their son, namely, Mohd. Nurudeen, came to be dismissed.

2. Briefly stating, the case of the appellants is that the deceased, aged about 25 years, purchased a valid second-class railway journey ticket on 13.07.2011 for travelling from Nakodar to Katihar. During the course of his journey, while travelling in a general compartment, he accidentally fell from the running train near Karhagola Road Railway Station on 15.07.2011 due to heavy rush of passengers and a sudden jerk. He sustained grievous injuries and was shifted to Sadar Hospital, Katihar, where he succumbed to the injuries on 16.07.2011.

3. The respondent-Railway Administration contested the claim by asserting that the deceased was not a bona fide passenger, that the journey ticket relied upon by the appellants was a procured document, and that the deceased did not fall from Train No.15708 Amrapali Express, as alleged. Reliance was placed upon the DRM enquiry report and station records to contend that the deceased allegedly fell while attempting to board another passenger train and, therefore, the occurrence did not constitute an "untoward incident" within the meaning of Section 123(c) of the Railways Act.

4. Upon appreciation of the evidence, the Tribunal held that the deceased was not a bona fide passenger and further concluded that the alleged occurrence did not fall within the ambit of Section 123(c)(2) read with Section 124-A of the Railways Act. Consequently, the claim petition was dismissed. Aggrieved thereof, present appeal is preferred by appellants/claimants.

5. Learned counsel for the appellants submitted that the Tribunal committed a patent error in rejecting the claim merely on the basis of the route of Train No.15708 and the observations contained in the DRM enquiry report. It was argued that once the deceased was found in possession of a valid railway ticket for the journey from Nakodar to Katihar, a statutory presumption arose that he was a bona fide passenger, which could not have been displaced merely on conjectures. He further submitted that even assuming that the deceased boarded another train during the course of the journey, such circumstance would not deprive him of the status of a bona fide passenger.

Learned counsel further contended that the Tribunal completely overlooked the settled legal position that accidental fall from a running train constitutes an "untoward incident" within the meaning of Section 123(c)(2) of the Railways Act and that the burden lies upon the Railway Administration to establish the applicability of any of the statutory exceptions contained in the proviso to Section 124-A of the Act.

6. Per contra, learned counsel appearing for the respondent-Railway Administration supported the impugned judgment by contending that the ticket relied upon by the appellants was not genuine and that the documentary material collected during the departmental enquiry clearly established that the deceased was injured while attempting to board another passenger train. It was, thus, submitted that the Tribunal rightly dismissed the claim.

7. I have heard learned counsel for the parties and perused the paper-book.

8. Before adverting to the rival submissions, it deserves to be noticed that Section 124-A of the Railways Act embodies the principle of strict liability. Once it is established that the victim was a bona fide passenger and suffered injuries or death in an untoward incident, compensation follows irrespective of negligence, unless the Railway Administration successfully establishes any of the exceptions enumerated in the proviso to Section 124-A. The Tribunal discarded the claim primarily on the reasoning that Train No.15708 Amrapali Express did not pass through Nakodar and that the route mentioned on the ticket did not correspond with the route of the said train. In the considered opinion of this Court, such reasoning proceeds on an unduly narrow appreciation of the evidence. The journey ticket (Ex.A-7) issued from Nakodar to Katihar was admittedly recovered in connection with the occurrence. The Railway Administration did not produce any cogent evidence to establish that the said ticket was forged or fabricated. Mere suspicion regarding the mode or manner in which the deceased undertook the journey cannot, by itself, dislodge the statutory presumption arising from possession of a valid railway ticket.

8.1 It is a matter of common experience that passengers holding valid tickets often change trains or board another train in order to complete their journey. Such conduct, by itself, neither invalidates the ticket nor deprives the passenger of his legal status. The Supreme Court in **SLP (C) No. 7188 of 2024** titled as **Shri Kumar Gupta v. Union of India,** has categorically held that a passenger holding a valid journey ticket does not cease to be a bona fide passenger merely because he boarded a wrong train or changed trains during the course of his journey. The entitlement to

compensation under Section 124-A cannot be denied solely on such technical considerations when the journey itself was lawful.

8.2 The Tribunal proceeded on the assumption that since the deceased could not have boarded Train No.15708 directly from Nakodar, the entire case of the claimants necessarily stood falsified. Such inference, in the opinion of this Court, overlooks the practical realities of railway travel. A passenger travelling from Nakodar to Katihar could legitimately travel by one train up to an intermediate station and thereafter board another train proceeding towards the destination. The possibility of the deceased boarding Train No.15708 from Lucknow or any other junction during the course of his onward journey cannot be ruled out merely because the original ticket mentioned a different route.

9. The next question that arises for consideration is whether the Tribunal was justified in placing implicit reliance upon the DRM enquiry report and the station records to conclude that the deceased fell while attempting to board another passenger train and, consequently, was not entitled to compensation.

9.1 In the considered opinion of this Court, the approach adopted by the Tribunal cannot be sustained. A departmental enquiry conducted by the Railway Administration is only a piece of evidence and cannot be treated as conclusive proof to defeat a statutory claim under Section 124-A of the Railways Act. Such reports are not substantive evidence and are required to be appreciated along with the entire material available on record. The Tribunal erred in treating the DRM report as determinative while overlooking the undisputed fact that the deceased was found in

possession of a valid railway journey ticket and that he sustained fatal injuries in the course of railway travel.

9.2 It is equally significant that the respondent-Railway Administration failed to establish any of the exceptions contained in the proviso to Section 124-A of the Railways Act. There is neither any allegation nor any evidence that the deceased committed suicide or attempted suicide, intentionally inflicted injuries upon himself, committed any criminal act or that the injuries were attributable to intoxication, insanity or natural causes. Once these statutory exceptions remain unproved, the liability of the Railway Administration under Section 124-A follows. The expression "untoward incident" occurring in Section 123(c)(2) of the Railways Act has received liberal interpretation by the Hon'ble Supreme Court. In **Union of India v. Prabhakaran Vijaya Kumar**, reported as **(2008) 9 SCC 527**, it was held that accidental falling of a passenger from a running train squarely falls within the ambit of an untoward incident and the provision being a beneficial piece of legislation deserves liberal construction so as to advance its object rather than defeat it. Likewise, in **Jameela v. Union of India, (2010) 12 SCC 443**, the Hon'ble Supreme Court held that once it is shown that a passenger accidentally fell from a train, compensation cannot be denied merely because there is no eyewitness to the occurrence. The burden thereafter shifts upon the Railway Administration to establish that the case falls within any of the statutory exceptions contained in the proviso to Section 124-A.

10. The evidence brought on record by the appellants establishes that the deceased commenced a lawful railway journey under a valid ticket

from Nakodar to Katihar. The possibility of the deceased changing trains at an intermediate junction, including Lucknow, cannot be ruled out and is, in fact, consistent with the ordinary course of railway travel. Merely because the Railway Administration suggested that the deceased sustained injuries while boarding another train would not, by itself, disentitle him to compensation, particularly when such boarding occurred during the continuation of the same journey undertaken under a valid ticket. The Tribunal, therefore, committed a manifest error in rejecting the claim on technical assumptions relating to the route of the train instead of examining whether the deceased continued to remain a bona fide passenger throughout the journey. The findings recorded on Issue Nos.1 and 2 are thus liable to be set aside.

10.1 Consequently, it is held that the deceased was a bona fide passenger travelling under a valid railway ticket and his death occurred on account of an untoward incident within the meaning of Section 123(c)(2) read with Section 124-A of the Railways Act. The appellants, being the parents of the deceased and undisputed dependants, are entitled to statutory compensation.

11. In the present case, the accident occurred on 15.07.2011. The appellants shall be entitled to the statutory compensation to the tune of Rs. 4,00,000/- along with interest @ 9% per annum from the date of filing of the claim petition till realization. However, if the amount is not released within a period of eight weeks from the date of receipt of a certified copy of this judgment, the amount shall thereafter carry interest @ 12% per annum till actual payment.

12. The compensation shall be released to the appellants in equal shares after due verification of their identity and entitlement. The amount shall be remitted within a period of eight weeks from the date of receipt of a certified copy of this judgment, failing which it shall carry enhanced interest as indicated above. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 31, 2026
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(HARKESH MANUJA)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes