* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 07.02.2026
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\+ **FAO 173/2014**

GANESH .....Appellant
Through: Mr. Yogesh Swaroop, Advocate.

versus

UNION OF INDIA (MINISTRY OF RAILWAY) THROUGH ITS GENERAL MANAGER .....Respondent
Through: Ms. Leena Tuteja, Senior Panel Counsel for UOI with Ms. Ishita Kadyan, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of The Railway Claims Tribunal Act, 1987, on behalf of the appellant/claimant seeking setting aside of the judgment dated 02.01.2014 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter "the Tribunal") in Claim Application No. OA(IIu) 186/2012.

2. The facts in a nutshell are that the injured, *Ganesh*, preferred a claim application stating that on 13.01.2011, he had undertaken a train journey from *Dausa Railway Station* to *Old Delhi Railway Station* after purchasing a valid IInd Class Ordinary railway journey ticket. He completed the journey from *Dausa Railway Station* to *Rewari Railway Station*, whereafter he boarded passenger train to travel from *Rewari Railway Station* to *Delhi*

Junction. When the train reached *Delhi Cantt. Railway Station*, it was overcrowded and, due to a sudden jerk, he accidentally fell from the running train and sustained a crush injury to his right leg, leading to its amputation below the knee.

3. The claim application was resisted by the respondent on the ground that no journey ticket was recovered, and the veracity of the appellant's claim of having fallen from the running train was also doubted.

4. The Tribunal came to the conclusion that the appellant was not a *bona fide* passenger as no journey ticket was recovered, and that the incident in question was not an "untoward incident" as defined under Section 123(c) of the Railways Act, 1989 (hereinafter "the Act").

5. Learned counsel for the appellant contends that the Tribunal erred in rejecting the claim as it failed to take into consideration the DRM report, in which the statement of one *Ved Prakash*, a railway police official, was noted to the effect that on 13.01.2011 at about 07:30 hrs., he was told by a passenger that on platform no. 03, a person had fallen from Train No. 54422. The information was relayed to the ASM/DC and the injured was taken by PCR to the hospital.

6. Learned counsel for the respondent, on the other hand, defends the impugned judgment by submitting that neither was any journey ticket recovered nor is there any eyewitness to the incident in question. Further, there is also a variation in the statements given by the injured. While at one stage, he stated that he was standing at the door of the coach, at another stage, he stated that he got up from his seat to use the washroom facility and, in that process, while being near the gate, he accidentally fell. Lastly, it is submitted that in the DRM proceedings, the statement of the train's Guard

was noted, who stated that no such incident was brought to his knowledge.

7. In the claim application, the injured categorically stated that the journey was undertaken after purchasing a valid journey ticket. In his affidavit filed before the Tribunal, the said aspect was reiterated. The loss of a journey ticket would not always result in denial of compensation. In a catena of decisions, it has been held that once the claimant(s) are able to discharge the initial burden by stating the material facts of the journey undertaken by the injured/deceased, the onus shifts onto the railway administration to rebut the same (Ref: *Rani Devi Vs. Union of India*[1]).

8. In the present case, the appellant has discharged its initial burden and the respondent has failed to positively rebut the same. Accordingly, the finding of the Tribunal on the aspect of the injured not being a *bona fide* passenger is set aside.

9. Coming to the next contention as to whether the incident in question can be termed an "untoward incident" as defined under the Act. The respondent itself has placed on record the DRM report, which contains the statement of one *Ved Prakash*, a railway police official, who has stated that the injured suffered the accident at platform no. 3. The MLC of the injured, which is a contemporaneous document, also records the history of assault as "*fall from train*". That being the case, the Tribunal's reliance only on the statement of the Guard that he had no knowledge of any accident, is misplaced.

10. The Court is also reminded of the beneficial nature of the concerned legislation and that the Court should not be overly technical while considering such claims. Finding the impugned judgment to be in error, the

[1] 2017 SCC OnLine Del 10274

same is set aside.

11. In view of the aforesaid, the appellant is held to be entitled to compensation.

12. Since the accident in the present case occurred on 13.01.2011, i.e., prior to the revision of the statutory compensation under the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, which came into effect on 01.01.2017, the determination of the quantum of compensation shall be governed by the following principle laid down by the Supreme Court in *Union of India Vs. Rina Devi*[2]:

> "*18. …Wherever it is found that the revised amount of applicable compensation as on the date of award of the Tribunal is less than the prescribed amount of compensation as on the date of accident with interest, higher of the two amounts ought to be awarded on the principle of beneficial legislation. Present legislation is certainly a piece of beneficent legislation.*"

13. Accordingly, the respondent shall release the higher of the two amounts towards compensation to the claimant within a period of four weeks.

14. The present appeal is allowed and disposed of in the above terms.

MANOJ KUMAR OHRI
(JUDGE)

FEBRUARY 09, 2026
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[2] (2019) 3 SCC 572