

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 182 of 2025

1. Smt Raj Kumari Devi wife of Late Ashok Mehto
@Mahto aged about 47 Years
2. Mitali Verma D/o Late Ashok Mehto @ Mahto
aged about 26 years
3. Kajal Kumari D/o Late Ashok Mehto @ Mahto
aged about 25 years
4. Neha Kumari D/o Late Ashok Mehto @ Mahto
aged about 21 years.
5. Nikhita @Nikita Kumari D/o Late Ashok Mehto
@ Mahto aged about 19 years.

All appellants R/o- Village/Mohalla- House
No. 68, Ward No 20 Near Tilak Vidyalay Kela
Bagan Madhupur, P.O and P.S- Madhupur, District-
Deoghar (Jharkhand).

..... ... Appellants

Versus

Union of India through General Manager, Eastern
Railway, Kolkata, P.O. and P.S.-Garden Reach and
District-Kolkata (West Bengal).

..... ... Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellants : Mrs. Chaitali C. Sinha, Advocate.
: Ms. Chainika, Advocate.
For Sole Resp. Railway : Mrs. Niki Sinha, CGC.

05/ 09.07.2026 Heard Mrs. Chaitali C. Sinha, learned counsel appearing for
the appellants and Mrs. Niki Sinha, learned CGC appearing for the
respondent-Eastern Railway.

2. This appeal has been preferred against the judgment dated
26.04.2023, passed in Case No. OA(IIU)/RNC/99/2018 [Checklist No.
2906180013], by the learned Railway Claims Tribunal, Ranchi Bench,
Ranchi, whereby, the claim made by the appellants for compensation of
Rs. 8 lakhs along with interest has been rejected by the learned tribunal.

3. Mrs. Chaitali C. Sinha, learned counsel appearing for the

appellants submits that on 01.08.2017 deceased Ashok Mehto @ Mahto after purchasing valid 2nd class ticket bearing Number-93414480 for Jamui to Madhupur Railway station had boarded 18184 Dn Danapur-Tatanagar Express train. She next submits that he had informed his wife that he is coming back home but however when he did not return the family members started searching and heard the hulla that one person had accidentally fallen down from train near Nawapatri cabin and when they went there and they identified the body of the deceased. She also submits that thereafter in that regard a written information was given by the brother of the deceased namely Chotu Mahto, on the basis of which, Madhupur GRPS case has been registered in the form of U.D case No 39 of 2017 dated 02.08.2017.

4. Learned counsel further submits that the railway police investigated the case and prepared the inquest report on 02.08.2017 and found the factum of occurrence to be true and also found that the deceased died as a result of falling down from the train and that fact was also before the learned tribunal. She then submits that the police also submitted the final report in Madhupur U.D case No 39 of 2017 on 02.08.2017 and found the factum of occurrence to be true and found that deceased died as a result of falling down from train. She also submits that the said final report is also the part of the record. She further submits that the deceased was a bona fide passenger and travelling from Jamui to Madhupur and he had purchased valid tickets to travel from Jamui to Madhupur and he has purchased the ticket bearing Number-93414480 and the same was also found in the possession of the deceased and that has also been mentioned by the police while preparing the inquest report and the final report in U.D Case No 39 of 2017 by the Rail Police, Madhupur.

5. She next submits that the wife of the deceased namely Raj Kumari Devi has also stated on affidavit that the said ticket was of her

husband. She further submits that the deceased accidentally fell down from running train near Nawapatri cabin and his body was recovered by the authorities in 02.08.17 and memo to this effect was also issued by Railway authorities. On these backgrounds, the appellants filed a claim for seeking compensation for the death of the deceased in an untoward incident as prescribed under the Act i.e. under Section 16 of the Railway Claims Tribunal Act 1987 for the compensation of Rs 8 lakhs along with interest from the date of filing of the application.

6. Learned counsel appearing for the appellants submits that the learned Railway Tribunal has erroneously dismissed the claim of the appellants holding that the case is not coming within the purview of Section 123(C)(2) of the Railway Claims Tribunal Act, 1987. She next submits that the nature of the accident clearly comes within the purview of untoward accident. She also submits that the learned tribunal has held that nobody saw the accident and falling down of the deceased from the train, however, the learned tribunal has erroneously held that the deceased was not a bona fide passenger and the dead body of the deceased was found 10 meters away from the railway track. She submits that all these facts have wrongly been interpreted by the learned tribunal in arriving at the conclusion, in spite of the fact that the materials were there before the learned tribunal. She then submits that the learned tribunal has also erred in not appreciating that the provision for compensation in the Railway Act is a beneficial piece of legislation and the appellants are entitled for the compensation. As such, the impugned order may kindly be set aside and the appropriate order may kindly be passed for the payment of compensation.

7. Mrs. Niki Sinha, learned C.G.C. appearing for the respondent-Railway has opposed the prayer and submits that the learned railway tribunal has discussed all these aspects including the railway ticket and the aspect of *bona fide* passenger as well as the

finding of the dead body of the deceased on 02.08.2017, wherein the ticket was of dated 01.08.2017. She next submits that learned tribunal has rightly dismissed the claim of the appellants, as it was not proved. She further submits that there is no eyewitness of purchasing the travel ticket. On these grounds, she submits that this appeal may kindly be dismissed.

8. In view of the above submissions of learned counsel appearing for the parties, the court has gone through the judgment as well as the trial court records and finds that the accident is admitted. It is also the fact that the deceased was travelling in 18184 Dn. Danapur-Tatanagar Express and the travel ticket bearing Number-93414480 has also been found from the possession of the deceased and these aspects have also come in the inquest report as well as in the inquiry report. Thus, the ticket aspect of the deceased was proved.

9. In light of the aforesaid documents, it has also been proved that the deceased has fallen down from the train, as in those documents, the authorities have stated that the accident taken place due to fall from the said train. Thus, this aspect is also proved in light of those documents.

10. Further finding of the dead body 10 meters from the railway track can be due to many factors and this aspect of the matter with regard to finding of the dead body 10 meters away from the railway track was the subject matter before the Hon'ble Delhi High Court in the case of *Anita Devi & Ors. Versus Union of India* in **FAO No. 169 of 2022**, where in para-10, it has been held under:-

10. No mileage can be taken by the respondent/Railways from the fact that the dead body of the deceased was found on Dn line track at KM 15/9-16/0. That alone would not invite a conclusive presumption that the deceased did not fall out of a running train. It

is pertinent to mention here that as per the post mortem report No. 392/2018 conducted on 24.12.2018 at 12:45 PM, it was found that there were Traumatic amputation of neck, both lower limbs, and both upper limbs present and the cause of death was opined to be head injury, shock and haemorrhage as a result of multiple antemortem injuries sustained to the multiple body parts, produced by blunt force impact which could be possible in a railway track accident. The dead body of the deceased was evidently found at 2:10 AM on 24.12.2018 as recorded in DD No.2. It is also an admitted fact that the Intercity Express Train had passed through the tracks in the area where the body was found.

11. The plea of the learned C.G.C. appearing for the respondent-Railway with regard to the eyewitness of purchasing the travel ticket is not acceptable, as for each and every ticket, there cannot be the possibility that the same has to be purchased in presence of the eyewitness and the passengers are purchasing the train tickets that are well known to everybody and in the present case, the travel ticket has already been proved by the railway authorities itself.

12. The Hon'ble Supreme Court in the case of ***Union of India Versus Prabhakaran Vijaya Kumar & Ors.***, reported in (2008) 9 SCC 527 held that since the provision for compensation in the Railway Act is a beneficial piece of legislation, it should receive a liberal and wider interpretation and not a narrow and technical one.

13. Sub-Section 29 of Section 2 of the Act defines "passenger" to mean a person travelling with a valid pass or ticket. Section 123 (C) of the Act defines "untoward incident to include the accidental falling of any passenger from a train carrying passengers. Section 124-A of the Act stipulates as under:-

"124A. Compensation on account of untoward incident.- When in the course of working a railway

an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to –

(a) suicide or attempted suicide by him;

(b) self-inflicted injury;

(c) his own criminal act;

(d) any act committed by him in a state of intoxication or insanity;

(e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident. Explanation - For the purposes of this section, "passenger" includes –

(i) a railway servant on duty; and

(ii) a person who has purchased a valid ticket for travelling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident."

14. From the above provision made under Section 124-A of the Act, it is apparent that the deceased is not covered by the proviso to Section 124-A. The accident did not occur because of any of the reasons mentioned in clauses (a) to (e) of the proviso to Section 124-A. This is very much clear that the case in hand is covered by the main body of Section 124-A of the Act. Thus, it is crystal clear that Section 124-A lays down strict liability or no fault liability in case of railway accidents. If a case falls in main body of Section, it is wholly irrelevant

as to who was at fault.

15. Standing at the open doors of the compartment of a running train may be a negligent act, even a rash act but, without anything else, it is certainly not a criminal act and this has been considered by the Hon'ble Supreme Court in the case of *Jameela Versus Union of India*, reported in **2010(12) SCC 443**, where in para-12, it has been held as under:-

“12. The manner in which the accident is sought to be reconstructed by the Railways, that the deceased was standing at the open door of the train compartment from where he fell down, is called by the Railways itself as negligence. Now negligence of this kind which is not very uncommon on Indian Trains is not the same thing as a criminal act mentioned in clause (c) to the proviso to Section 124-A. A criminal act envisaged under clause (c) must have an element of malicious intent or mens rea. Standing at the open doors of the compartment of a running train may be a negligent act, even a rash act but, without anything else, it is certainly not a criminal act. Thus, the case of the Railways must fail even after assuming everything in its favour.”

16. The question remains whether the respondent - railway claim that the dead body of the deceased were found 10 meters away from the railway track can be a conclusive factor of rejecting the claim/claimants or not that alone would not invite a conclusive presumption that the deceased did not fall out of running train. In view of that only because the body was found 10 meters away from the railway track, exemption cannot be drawn that the accident has not been taken place due to not falling out from the train and onus lies upon the Railway to prove that the accident has not taken place due to falling from the train. Since the ticket has been received from the body of the deceased and due to force falling of the body on either side cannot be ruled out and in view of that the finding of the learned Tribunal to that

effect in absence of any cogent reason of not travelling on the train does not sound good.

17. Once it is proved that the deceased was travelling as a bona fide passenger and he fell from the running train, the railway cannot be allowed to avoid its liability. Nothing has been argued with regard to the negligence on behalf of the railway and that has not been proved and further the place of incident is a railway track and in view of that there is every possibility that the deceased died due to an untoward accident in light of Section 123 (c) (2) of the Railway Act, 1989.

18. In view of the above discussions, the court finds that the judgment of the learned railway tribunal is not in accordance with law, as such, the judgment dated 26.04.2023, passed in Case No. OA(IIU)/RNC/99/2018 [Checklist No. 2906180013], by the learned Railway Claims Tribunal, Ranchi Bench, Ranchi, whereby, the claim made by the appellants for compensation of Rs. 8 lakhs along with interest has been rejected by the learned tribunal, is hereby, set aside.

19. The appellants shall be entitled to be paid for the compensation of Rs. 8,00,000/- along with interest @ 7% per annum from the date of accident i.e. from 01.08.2017 till the actual payment. As such, the sole-respondent Railway is directed to pay the compensation to the appellants of Rs. 8,00,000/- along with interest @ 7% per annum from the date of accident i.e. from 01.08.2017 till the actual payment within two months from the date of receipt/production of a copy of this order.

20. This appeal is allowed in above terms and disposed of.

21. Let the Trial Court Records be sent back to the learned court forthwith.

(Sanjay Kumar Dwivedi, J.)

Dated:-09.07.2026

Amitesh/- [A.F.R.]