



FAO-3191-2016 (O&M)

[208] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3191-2016 (O&M)

Date of Decision : 23.05.2025

Ramchander Shukla and another ...Appellants
versus

Union of India through the General Manager,
Northern Railway, Baroda House, New DelhiRespondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ujval Mittal, Advocate for the appellants.
Mr. Amit Sharma, Senior Panel Counsel
for the respondent-UI.

PANKAJ JAIN, J. (ORAL)

[1] Challenge is to the Award passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, whereby the claim petition filed by the appellants seeking compensation on account of death of deceased-Gaurav Kumar in an untoward incident while travelling by Railways stands rejected.

[2] The primary dispute relates to the deceased being a *bona fide* passenger. The claimants claimed that the deceased was travelling on Monthly Seasonal Ticket (MST), which is a valid ticket. As per the claimants, he was travelling on MST No.X-60782408. The same could not be recovered as the same was lost in the incident. The Tribunal disbelieved the story put forth by the claimants regarding lost of MST and further held that the claimants claimed that the deceased was travelling on MST No.X-60782408, whereas as per records produced by railways authorities showing the list of MSTs issued for the relevant period, MST No.X-60782408 was issued in the name of one Harsh Sharma.



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[3] Counsel for the appellants submits that from the record produced by the Railways, it is evident that MST No.X-60782408 though was issued in the name of Harsh Sharma but entry prior thereto related to MST bearing No.X-60782405 relates to deceased-Gaurav Kumar. He thus, submits that from the records produced by the Railways itself, it stands proved that Gaurav Kumar was holding a valid MST on the date of accident and the claim should not be non suited merely for the reason that the last digit of the number was wrongly mentioned as 8 instead of 5.

[4] Counsel for the respondent-UOI/Railways though submits that the age has been wrongly mentioned as 28 years, whereas as per the claim, Gaurav Kumar was 29 but admits that so far as other details of Gaurav Kumar are concerned, the same match with the deceased.

[5] In view thereof, this Court finds that once it stands proved that deceased-Gaurav Kumar was holding a valid MST on the given date even though last digit was wrongly mentioned in the claim petition, the Tribunal ought not have held him to be a *bona fide* passenger. Resultantly, the finding is reversed. The deceased is held to be *bona fide* passenger, holding a valid MST on the date of accident.

[6] Counsel for the appellants further drawn attention of this Court to Annexure A-1 i.e. inquest report conducted under Section 174 Cr.P.C. by GRP, Jalandhar, wherein as per the medical opinion, the cause of death is due to railway track accident to submit that it is a case, wherein the deceased lost his life in an untoward incident. That being a case and there being no evidence to prove that there was any intention on the part of the deceased to suffer self inflicted injuries, finding on Issue No.2 also needs to be reversed in terms of law laid down by the Supreme Court in the case of ‘**Union of**



India versus Rina Devi', 2018 (3) RCR (Civil) 40. The deceased is held to have lost his life in an untoward incident as contemplated under Section 124-A of the Railways Act.

[7] In view of the above, the claim petition filed by the claimants is allowed. They are held entitled for compensation of Rs.4,00,000/- along with interest @ 7.5% per annum from the date of accident till the date of actual realization or Rs.8,00,000/-, whichever is higher. The compensation shall be equally disbursed amongst the claimants. The claimants shall move an appropriate application giving details of their bank accounts before the Tribunal within a period of 04 weeks with an advance copy to the Railways. After receiving advance copy with respect to details of bank accounts, Railways shall within a further period of 12 weeks deposit the entire compensation payable to the claimants in the bank accounts. In view of failure of Railways to pay the compensation within the prescribed period of 12 weeks, the Railways shall be liable to pay interest @ 9% per annum.

[8] With the aforesaid *modification* the appeal is **disposed off**.

[9] All pending miscellaneous application(s), if any, stands *disposed off*.

(PANKAJ JAIN)
JUDGE

23.05.2025

'R. Sharma'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No