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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 17th July, 2025**
+ FAO 183/2025, CM APPL. 42040/2025 & CM APPL. 42041/2025
SAURABH KUMAR @ SAGARAppellant

Through: Mr. Rajan Sood, Advocate.

versus

UNION OF INDIARespondent

Through: Mr. Piyush Beriwal and Mr. Vedansh Anand, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The present appeal has been filed under Section 23 of Railway Claims Tribunal Act, 1987 seeking enhancement of the claim.
2. The claim application, filed by the appellant under Section 16 of Railway Claims Tribunal Act, 1987, was seeking compensation of Rs.8 lacs, along with interest.
3. However, learned Tribunal, after considering the injuries suffered by the appellant, restricted the compensation to Rs.1 lac only.
4. Learned counsel for respondent/Union of India appears on advance notice and submits that in the *memorandum of parties*, Union of India has not been properly described.
5. He submits that when the claim was filed before the learned Tribunal, it was against '*Union of India through General Manager, North Central Railways, Allahabad*' whereas in the memo of parties of the present appeal Union of India has been shown as '*Union of India through General Manager, Northern Railway, Delhi*'.
6. Mr. Rajan Sood, learned counsel for the appellant submits that it was on account of some inadvertence and undertakes to file amended memo of



parties.

7. Let it be done.

8. Fact, however, remains that learned counsel for *Union of India* is ready with the arguments.

9. There is delay of 240 days in lodging the present appeal.

10. Keeping in mind the fact that the Act in question is a welfare legislation, and also for the reasons mentioned in the application moved under Section 5 of limitation Act, delay is hereby condoned.

11. The amount of compensation in such type of matters is to be decided in terms of relevant rules which are known as *Railway Accidents and Untoward Incidents (Compensation) Rules, 1990*.

12. There is a schedule attached with the abovesaid rules which provides limit for compensation which reads as under:-

“SCHEDULE

(See Rule 3)

Amount of Compensation Payable in respect of Death and Injuries

PART I

*Amount of Compensation
(in rupees)*

For death 8,00,000

PART II

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <i>(1) For loss of both hands or amputation at higher sites.</i> | <i>8,00,000</i> |
| <i>(2) For loss of hand and a foot.</i> | <i>8,00,000</i> |
| <i>(3) For double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot.</i> | <i>8,00,000</i> |
| <i>(4) For loss of sight to such an extent as to render the claimant unable to perform any work for which eye sight is essential.</i> | <i>8,00,000</i> |
| <i>(5) For very sever facial disfigurement.</i> | <i>8,00,000</i> |
| <i>(6) For absolute deafness.</i> | <i>8,00,000</i> |

PART III

- | | |
|----------------------------------------------------------------------------------------|-----------------|
| <i>(1) For amputation through shoulder joint.</i> | <i>7,20,000</i> |
| <i>(2) For amputation below shoulder with stump less than 8" from tip of acromion.</i> | <i>6,40,000</i> |
| <i>(3) For amputation from 8" from tip of acromion to less than</i> | <i>5,60,000</i> |



<i>4 1/2 below tip of olecranon.</i>	
<i>(4) For loss of a hand or the thumb and four fingers of one hand or amputation from 4 1/2"</i>	4,80,000
<i>(5) For loss of thumb.</i>	2,40,000
<i>(6) For loss of thumb and its metacarpal bone.</i>	3,20,000
<i>(7) For loss of four fingers of one hand.</i>	4,00,000
<i>(8) For loss of three fingers of one hand.</i>	2,40,000
<i>(9) For loss of two fingers of one hand.</i>	1,60,000
<i>(10) For loss of terminal phalanx of thumb.</i>	1,60,000
<i>(11) For amputation of both feet resulting in end bearing stumps.</i>	7,20,000
<i>(12) For amputation through both feet proximal to the metatarso-phalangeal joint.</i>	6,40,000
<i>(13) For loss of all toes of both feet through the metatarso-phalangeal joint.</i>	3,20,000
<i>(14) For loss of all toes of both feet proximal to the proximal interphalangeal joint.</i>	2,40,000
<i>(15) For loss of all toes of both feet distal to the proximal inter-phalangeal joint.</i>	1,60,000
<i>(16) For amputation at hip.</i>	7,20,000
<i>(17) For amputation below hip with stump not exceeding 5" in length measured from tip of great trenchanter but not beyond middle thigh.</i>	6,40,000
<i>(18) For amputation below hip with stump exceeding 5" in length measured from tip to great trenchanter but not beyond middle thigh.</i>	5,60,000
<i>(19) For amputation below middle thigh to 3 1/2" below knee.</i>	4,80,000
<i>(20) For amputation below knee with stump exceeding 3 1/2" but not exceeding 5".</i>	4,00,000
<i>(21) Fracture of Spine with paraplegia.</i>	4,00,000
<i>(22) For amputation below knee with stump exceeding 5"</i>	3,20,000
<i>(23) For loss of one eye without complications the other being normal.</i>	3,20,000
<i>(24) For amputation of one foot resulting in end-bearing.</i>	2,40,000
<i>(25) For amputation through one foot proximal to the emetatarso-phalangeal joint.</i>	2,40,000
<i>(26) Fracture of Spine without paraplegia.</i>	2,40,000
<i>(27) For loss of vision of one eye without complications of disfigurement of eye ball, the other being normal.</i>	2,40,000
<i>(28) For loss of all toes of one foot through the metatarso-phelangeal joint.</i>	1,60,000
<i>(29) Fracture of Hip-joint.</i>	1,60,000
<i>(30) Fracture of Major Bone Femur Tibia Both limbs.</i>	1,60,000
<i>(31) Fracture of Major Bone Humerus Radius Both limbs.</i>	1,20,000
<i>(32) Fracture of Pelvis not involving joint.</i>	80,000



- (33) Fracture of Major Bone Femur Tibia one limb. 80,000
(34) Fracture of Major Bone Humerus Radius Ulna One limb. 64,000J”

13. The above schedule refers to Rule 3 and, therefore, it will be appropriate to extract Rule 3 of the abovesaid rules which reads as under:-

“3. Amount of compensation.-(1) *The amount of compensation payable in respect of death or injuries, shall be as specified in the Schedule.*

(2) *The amount of compensation payable for an injury not specified in Part II or Part III of the Schedule but which, in the opinion of the Claims Tribunal, is such as to deprive a person of all capacity to do any work, shall be Rupees Eight lakhs.*

(3) *The amount of compensation payable in respect of any injury (other than an injury specified in the Schedule or referred to in sub-rule (2) resulting in pain and suffering, shall be such as the Claims Tribunal may, after taking into consideration medical evidence, besides other circumstances of the case, determine to be reasonable:*

Provided that if more than one injury is caused by the same accident, compensation shall be payable in respect of each such injury:

Provided further that the total compensation in respect of all such injuries shall not exceed Rupees One lakh sixty thousand.

(4) *Where compensation has been paid for any injury which is less than the amount which would have been payable as compensation if the injured person had died and the person subsequently dies as a result of the injury, a further compensation equal to the difference between the amount payable for death and that already paid shall become payable.*

(5) *Compensation for loss, destruction or deterioration of goods or animals shall be paid to such extent as the Claims Tribunal may, in all the circumstances of the case, determine to be reasonable.”*

14. The injuries suffered by the appellant are not in dispute and have been described in the impugned order as under:-

“i. Blunt and penetrating abdominal trauma on a lateral abdominal wall with located wound with bowel loop coming out of the wound.



- ii. *Right renal vascular injury Kidney failure (this is kidney injury due to blunt force trauma to rib cage*
- iii. *Colonic injury (Hepatic Flexure) Colon is commonly injured penetrating trauma*
- iv. *Liver hematoma: Hematoma in the liver is usually caused by blunt abdominal trauma. (Liver injury)*
- v. *Right rib fractures."*

15. Undoubtedly, none of the abovesaid injuries fall in the Part II and Part III of schedule and, therefore, one has to fall back on Rule 3 of said Rules to decide the quantum of compensation.

16. Rule 3(2) provides that the compensation amount would be Rs.8 lacs if such person, who has met with untoward incident, is *deprived of all capacity to do anything*.

17. During course of the arguments, Mr. Sood, learned counsel for the appellant, restricted his appeal to grant of compensation in terms of Rule 3(3) only as, according to him, the case in hand does not fall under Rule 3(2) above, as it cannot be said that injured is completely deprived of all capacity to do anything.

18. This takes us to Rule 3(3).

19. Said Rule provides if compensation relates to injuries which are not mentioned in the Schedule, and which only result in pain and suffering, the maximum compensation would be Rs.1,60,000/-. The abovesaid amount of Rs.1,60,000/- was increased from Rs.80,000/- w.e.f. 01.01.2017 and it is not in a dispute that since the incident in question had taken place in June, 2023, the amendment would stand attracted.

20. Learned Tribunal has not given any specific reason as to why, instead of Rs.1,60,000/-, it has restricted the claim to Rs.1 lac only.

21. The pain and suffering suffered by the appellant can be easily



fathomed.

22. During course of the arguments, learned counsel for appellant submitted that on account of these serious injuries, his one kidney had to be removed and his liver also got badly damaged.

23. The injuries have already been extracted above and, in view of the abovesaid cumulative injuries, this Court can very easily imagine the pain and suffering which the appellant has already gone through, and must have been going through, even today.

24. In view of the above, the present appeal is disposed of with the direction that the appellant is entitled to compensation of Rs.1,60,000/- under Rule 3(3) of Railway Accidents and Untoward Incidents (Compensation) Rules, 1990.

25. The appellant would, accordingly, appear before the learned Tribunal on 25.08.2025 and the learned Tribunal, in terms of the instant order, would ensure that said compensation amount of Rs. 1,60,000 along with interest @ 9% per annum, as it has already ordered, is duly paid to the appellant within 12 weeks from today. The amount paid already, if any, shall be liable to be adjusted.

26. The appeal stands disposed of in aforesaid terms.

27. A copy of this order be transmitted to learned Railway Claims Tribunal, Delhi by the Registry immediately and a copy of this order be given *dasti* under the signatures of Court Master to Mr. Rajan Sood, learned counsel for appellant.

(MANOJ JAIN)
JUDGE

JULY 17, 2025/ss/pb