



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

% **Judgment reserved on: 22 April 2025**  
**Judgment pronounced on: 06 May 2025**

+ **FAO 2/2015**

**MOHINI DEVI & ORS** .....Appellants  
Through: **Mr. Mudit Chaudhary, Adv.**

versus

**UNION OF INDIA** .....Respondent  
Through: **Mr. Himanshu Pathak & Mr. Amit Singh, Advs.**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**J U D G M E N T**

**DHARMESH SHARMA, J.**

1. The appellants, being the wife, minor children, and mother of the deceased/Sh. Prem Sagar Das, have preferred this appeal under Section 23 of the Railway Claims Tribunal Act, 1987 ('**RCT Act**') assailing the impugned judgment cum award dated 25.09.2014, whereby their claim petition seeking statutory compensation of ₹4 Lacs on account of the death of the deceased in a railway accident has been dismissed.

2. Briefly stated, it was claimed by the appellants/claimants that the deceased was travelling from New Delhi to Patna Junction by an express train on 31.01.2012, when he accidentally fell from the running train at Sachivalaya Halt and died on the spot. The claim was contested by the respondent/Railways. The learned Presiding Officer, Railway



Claims Tribunal ('RCT') framed the following issues: -

- “(1) Whether the death of the deceased had occurred as a result of an untoward incident, as defined US 123 (c) (2) of the Railways Act, 1989?
- (2) Whether the deceased was a bonafide passenger of train on the relevant day?
- (3) Whether the application of Smt. Mohini Devi is maintainable?
- (4) To what order/relief?”

3. Suffice it to state that, issue nos.1 & 2 were contested against the appellants/claimants, holding that the claimants had attempted to fabricate the record by producing the second class ticket (Ex.A-7), and their plea that the deceased was travelling by Train No.12304, New Delhi to Howrah, Poorva Express, stood discredited by the fact that, on the date of incident, the said train was operating via Gaya and not via Patna.

4. Aggrieved thereby, the appellants/claimants have preferred the present appeal.

5. Having heard the learned counsel for the parties and upon perusal of the record, first things first, it would be apposite to reproduce the findings record by the learned Presiding Officer, RCT, deciding the issue nos.1 & 2 conjointly, which read as under: -

“06. The applicant claims that on 31.01.2012, her 35 year old husband Late Prem Sagar Das, while traveling by an Express train from New Delhi to Patna Jn., accidentally fell down from the running train at Sachivalaya Halt (near Patna) and died on the spot. According to the applicant, the deceased was travelling with a II class superfast ticket bearing no. 507274255, dtd. 30.01.2012 ex New Delhi to Patna, which was recovered from the person of the deceased by the police during the 'Jamatalshi'. The original ticket



has been filed in support of the above claim as Ext. A-7.

7. None saw Perm Sagar falling from any train. The extracts of station diary, recorded by SM/Patna on 31.01.2012 and duly certified by Area Officer Patna Jn (Ext. R-2), reveals that it was Shri Brij Nandan, the Cabin Master of Sachivalaya Halt, who informed at 09.25 hrs. that the body of an unidentified male, after being run over by some train is lying dead at Km 548/05. The railway official further recorded that Shri Krishna, track man too confirmed this information. I have no reason to disbelieve this information because the Railways have an well established age old system of recording all events connected to train running at all stations in the station diary. Further, it is observed that SM/Patna issued a message (Ext. A-3) at 09.25 Hrs. addressed to GRP/Patna Jn. relaying the same information. However, the copy of the message, filed by the applicant has been tempered by overwriting i.e. किसी गाडी से कट कर मर गया has been changed to गिर कर मर गया । The above change bears the station seal but no signature of B.K. Sing SM/Patna Jn., who issued the message. The above irregularity, committed by the applicant raises a question mark about her claim.

8. FIR was ordered to be registered on the message of the Station Master (Ext. A-3), endorsing D.No. 954/12, dtd. 31.01.2012 and case was handed over to ASI M. Das, but the copy of the FIR, filed as Ext. A-5 by the applicant, reveals that informant is not the Station Master but one Binode Das, who is said to have given his statement to police, saying that his cousin Prem died after falling from train. The question here is how did Binode Das know that the deceased fell from train? Yet, the GRP accepted his version as gospel truth without taking anyone else i.e. Station Master, the Cabin Master, the Track man into confidence to come to a conclusion that Prem died while traveling from New Delhi to Patna after falling from train at Sachivalaya Halt. Interestingly, the investigating officer could not even identify the train from where the deceased fell and died. This type of police report reveal no truth.

09. The inquest repot (Ext. A-6), filed by the applicant in support of her claim, is also a tempered document, where original information recorded by police has been altered/added though repeated photocopy technique. The old records deleted after using chemicals are visible to suggest that the document has been tempered. I am



therefore, convinced that the applicant has not only doctored/fabricated evidence but also tempered a few to mislead/misinform the Tribunal.

10. The applicant does not specify the train by which the deceased travelled from New Delhi to Patna Jn. She claims that ticket no. 07274255 was recovered by the police from the person of the deceased, at the time of 'Jamatalashi'. The police report mentions about the ticket no. (Ext. A-9). The original ticket, having no endorsement of GRP has been filed by the applicant as Ext. A-7. The question here is how did the applicant manage to retain the ticket in her custody, after the same was recovered by the GRP during the process of 'Jamatalashi'. This raises doubt about the authenticity of the ticket.

11. The information printed on the computer generated UTS ticket (Ext. A-7), said to have been recovered by police from the deceased, reveals that it was issued by New-Delhi station on 30.01.2012 at 15.49 Hrs. for journey from New Delhi to Patna. Since as per railway record, the body of the unidentified man was recovered before 09.25 Hrs, it can be safely concluded that Prem Sagar commenced his journey from New Delhi after 15.50 Hrs and fell from the train short of Patna by around 9 hrs. Time table of Indian Railways reveals that two trains originating from New Delhi in the evening on the previous day reaches Patna at morning before 09 AM - 12304 New Delhi-Howrah Poorva Express and two Rajdhani Express (Dep. New Delhi 17.00 Hrs. and 17.20 Hrs. and Arr. Patna 04.45 and 5.40 hrs. respectively.) Prem Sagar could not have boarded any of the Rajdhani Express trains because he had only a general II class ticket, having no reservation in any of the AC classes of the fully reserved trains. So, travel by Rajdhani is ruled out.

12. This left the deceased to chose the second option i.e. 12304 Poorva Express which depart from New Delhi at 16.20 Hrs. However, New Delhi-Howrah Poorva Express runs three days a week (Monday, Tuesday & Friday) via Gaya and four days a week (Wednesday, Thursday, Saturday & Sunday) via Patna. The calendar of the year 2012, reveals that 30.01.2012, when the deceased is said to have commenced his journey from New Delhi was a Monday and hence, it was not possible for him to travel by Poorva Express, which was running on that day via Gaya and not via Patna. This clearly proves that there was no train on 30.01.2012



which could have carried Prem Sagar from Delhi after 15.59 Hrs. to reach Patna before 09.30 hrs. of 31.01.2012, as claimed. It is for this reason that the applicant is carefully avoiding to specify the name of the train in her claim application.

13. Thus, it is safe to conclude that original ticket no. 507274255 from New Delhi to Patna, filed as Ext. A-7 by the applicant, has been procured clandestinely to prove a particular point by hook or crook. Further, it proves that the so-called final report of GRP, dtd. 01.02.2012 (Ext. A-9), where the above ticket number is mentioned, is a fabricated piece of evidence, deserve to be rejected outright.

14. In the light of the facts recorded above, Late Prem Sagar was neither a bonafide passenger of any train from New Delhi to Patna on 30/31.01.2012 nor did he die after falling from any Express train, as claimed. Accordingly, the above issues are decided against the applicant.”

6. On a cursory reading of the aforesaid findings, it is evident that there was no eye witness to the incident who could depose as to how or in what manner the accident occurred and how the deceased met his ultimate fate. In such cases, the appreciation of the documents and the circumstances surrounding the incident assume importance.

7. A perusal of the record reveals that the Annexure A-1 appears to be an intimation sent by the Station Master, Patna, at 09.25 hrs. addressed to the Station Officer, GRP, to the fact that on west side of Sachivalaya near Ali Nagar, a dead body was lying at 548/07-548/08, between up and down line. It was recorded in Hindi and there is a sentence कट कर मर गया which was struck off and गिर कर मर गया । was added in the same line. However, the struck off portion is encircled and appears to be bear the stamp of the Station Master, though not his signature.

8. Annexure A-2 is a complaint dated 31.01.2012 addressed to the



SHO, Rail Thana, Patna Junction, by one Binode Das. The complaint, originally written in Hindi, states that the complainant's cousin brother, Prem Sagar Das, had been engaged in labour work in Delhi for about ten years and would occasionally visit his native village. It is recoded on 30.01.2012, the deceased had called the family and informed them of his intention to return home. On 31.01.2012, the family received a phone call informing them that a dead body was lying near the railway track at Ali Nagar, Patna, having reportedly fallen from a train ('गिर कर ट्रेन से मरे पड़े हुए है'). It further appears that a mobile phone was recovered from the body, through which a call was made to the family's residence. The family members thereafter arrived at the spot and identified the deceased as Prem Sagar Das.

9. Annexure A-3 is the DD entry dated 31.01.2012 at Patna Junction, which records that a dead body was found between pole numbers 548/07 and 548/08 on the up and down lines, having apparently fallen from a train, sustained injuries, and subsequently died. Annexure A-5 is a copy of the train ticket, which appears to have been verified as having been issued on 30.01.2012, a Monday. The Poorva Express departed from New Delhi Railway Station at 16:20 hours and reached Patna. The schedule indicates that the train runs via Gaya on Mondays, Tuesdays, and Fridays, and via Patna on Wednesdays, Thursdays, Saturdays, and Sundays.

10. The police report dated 05.02.2012 records the railway ticket number as 7274255. The question that arises is whether the said ticket



was planted posthumously. Annexure A-10, being the *Jamatalashi* prepared by the GRP, records that one Binode Das was handed over to the police and that a bag belonging to the deceased, containing a black Nokia mobile phone and ₹500/- in cash, was recovered on 31.01.2012.

11. Notably, Annexure A-10 does not mention the recovery of any railway ticket, either from the bag or the body of the deceased. However, Annexure A-7, the police report, states that the railway ticket was recovered from the front shirt pocket of the deceased.

12. In the considered view of this Court, the reasoning adopted by the learned Presiding Officer, RCT, is unsustainable in law. The railway ticket, exhibited as Ex. P-7, was evidently issued on 30.01.2012 and pertained to a second-class journey from New Delhi to Patna, thereby entitling the deceased to travel on that route.

13. Even assuming, for the sake of argument, that on the said Monday the train was diverted via Gaya instead of Patna, the testimony of AW-1 indicates that her husband had informed her that he was travelling by the Poorva Express, possibly up to a certain point, and thereafter intended either to board another train or proceed on foot towards Patna. The distance between Gaya and Patna is approximately 100 kilometers, and it stands to reason that the deceased could have availed another mode of transport to reach Patna.

14. Be that as it may, the nature of injuries sustained by the deceased indicates a lacerated wound on the scalp measuring 3” x 2”, a bone-deep fracture of the frontal bone at the left parietal region, and multiple



abrasions above the left elbow and left knee. These injuries are consistent with trauma caused by a blunt object, which, in the facts and circumstances of the case, could reasonably be attributed to contact with a moving train. The finding that the record was fabricated is not sustainable, particularly in view of the presumption that public officials, including police officers, are deemed to have performed their duties in the ordinary course of law. While there is no conclusive evidence establishing the precise mode by which the deceased travelled to Patna, the possibility of his having travelled by Rajdhani Express stands excluded, as travel by that train is not permissible on a second-class ticket.

15. In view of the foregoing facts and circumstances, while this Court does not concur with the reasoning adopted by the learned Presiding Officer, RCT, it finds no justifiable ground to allow the present appeal or to set aside the impugned judgment. The crux of the matter remains that the claimants have failed to establish with certainty the train by which the deceased was travelling, and whether he was a *bona fide* passenger, so as to impose liability upon the respondent/Railways.

16. Resultantly, the present appeal is dismissed.

**DHARMESH SHARMA, J.**

**MAY 06, 2025**

**Ch**