



2026:DHC:1185



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

% Reserved on : 09.02.2026
Pronounced on : 11.02.2026
Uploaded on : 11.02.2026

+ **FAO 61/2020**

SUJIT KUMAR & ORS

.....Appellants

Through: Mr. Rajan Sood, Ms. Ashima and Ms.
Megha Sood Advocate

versus

UNION OF INDIA

.....Respondent

Through: Mr. Sandeep Kumar Mahapatra,
Mahapatra and Mr. Tribhuvan, Ms.
Mrinmayee Sahu and Mr. Abhimanyu,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the judgment dated 22.05.2019 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as "the Tribunal") in OA (Ilu) No. 169/2018, whereby the claim application filed by the appellants seeking statutory compensation on



account of the death of Late Shri *Chandeshwar Singh* (hereinafter referred to as “the deceased”) was dismissed.

2. The appellants are the widow and children of the deceased. The claim application before the Tribunal was filed invoking the provisions of Sections 123(c) and 124-A of the Railways Act, 1989 (hereinafter referred to as “the Act”).

3. The facts stated by the appellants before the Tribunal was that on 17.01.2018, the deceased had purchased a journey ticket bearing No. m-43449854 at 15:35 hours for travel from *Tughlakabad to Shakur Basti*. While travelling on the said journey, the deceased accidentally fell from a running train between *Daya Basti and Shakur Basti*, resulting in fatal injuries. The body of the deceased was subsequently discovered in the intervening night of 17/18.01.2018. It was further stated that the aforesaid facts were based on the information received from the GRP.

4. It was contended that the deceased was a bona fide passenger, travelling on a valid journey ticket, and that his death was caused due to an accidental fall from a train, constituting an “untoward incident” within the meaning of Section 123(c) of the Act. Reliance was placed upon the recovery of the journey ticket from the person of the deceased during *jamatalashi*, the contemporaneous records, and the medical evidence.

5. Upon consideration of the material on record, the Tribunal dismissed the claim application holding that the appellants had failed to establish that the deceased was a bona fide passenger. It was held that the journey ticket



was purchased on 17.01.2018 at 15:30 hrs. Since the journey was for a distance of less than 200 kilometres, with a prescribed journey time within two hours, in the normal course, the deceased would have reached the destination by 18:30 hrs. The body of the deceased, however, was discovered at 01:30 hrs on 18.01.2018 by the keyman, which, according to the Tribunal, indicated that the death had occurred around the time of discovery of the body. The Tribunal further observed that as per Post Inquest Report, the face was crushed and as such, the nature of injuries suffered by the deceased was inconsistent with the claim of an accidental fall from a train.

6. Learned counsel for the appellants assailed the impugned judgment by submitting that the Tribunal had adopted a hyper-technical and speculative approach, ignoring the settled principles governing claims under the Act. It was submitted that the recovery of the journey ticket from the person of the deceased during *jamatalashi* conclusively established his bona fide status. Learned counsel further contended that the Tribunal erred in drawing medical inferences on its own and in shifting the burden of proof onto the appellants, contrary to the law laid down by the Supreme Court in *Union of India v. Rina Devi*¹. Reliance was also placed on a judgment of a co-ordinate bench of this court in *Union of India v. Leela Devi & Ors*².

¹ (2019) 3 SCC 572

² 2014 SCC OnLine Del 1440



7. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the appellants had failed to explain the delay in discovery of the body and the exact circumstances of the fall.

8. Upon re-appreciation of the evidence, this Court notes that DD No. 3A dated 18.01.2018 records that the body of the deceased was discovered at about 01:30 hours by a railway keyman during night patrolling between KM 8/11 and KM 8/13, falling in the section between *Daya Basti and Shakur Basti*. The post-mortem report attributes the cause of death to shock and haemorrhage consequent to multiple blunt force injuries.

9. The *jamatalashi* records the recovery of the journey ticket bearing No. m-43449854, dated 17.01.2018, for travel from *Tughlakabad to Shakur Basti*. The recovery of the said ticket is not disputed by the respondent. It is, however, contended that the said ticket was not valid at the time of the accident, which the respondent claims occurred around the time the body was discovered.

10. The Tribunal has disbelieved the claim primarily on conjectural grounds, including assumptions regarding the duration of the journey and the nature of injuries. Notably, the claim lacks particulars of the train by which the journey was allegedly undertaken. Before the Tribunal, the respondent had placed on record a photograph of a chart displaying the scheduled arrival and departure timings of various trains passing through *Tughlakabad Railway Station*. On the basis of the said chart, the Tribunal observed that the first available train which the deceased could have boarded had a



scheduled departure time of 16:18 hrs and would have reached *Shakur Basti* at approximately 18:30 hrs.

This Court is constrained to note that the Tribunal made the aforesaid assumption solely on the basis of the scheduled timings displayed on the notice board and not on the actual timings, which would have been reflected in the Train Station Register (TSR). The TSR would have contained the details of the actual arrival and departure timings of the concerned train on the relevant date at the said station. The Tribunal's reliance on scheduled timings, without any supporting evidence of actual train movement, is unsustainable.

11. Pertinently, Commercial Circular No.5 of 2016 issued by the Ministry of Railways provides that :

“i) For distances upto 199 Kms, the Journey shall be started from the originating station within three hours of time of issue of tickets or upto the departure of first train for the destination whichever is later.”

12. The incident occurred in the mid-section between two stations. Mere delay in the discovery of the dead body would not, ipso facto, lead to the conclusion that the deceased had not undertaken the journey by the departing train or within the permitted period of three hours, whichever is later. In the absence of any concrete evidence brought on record to establish that the travel was undertaken contrary to the aforesaid, the benefit must go to the claimants.



13. This Court also finds that the Tribunal erred in drawing its own medical conclusions regarding the nature of injuries that the same indicate a hit by train and not fall from a train. Interestingly, the Turbinal in same breath goes on to say that .there was no loco pilot report, guard statement, or other contemporaneous railway document on record that any person was hit by a train. In fact, the DRM report states that the body was found to be shown on railway tracks.

14. This Court also finds that the Tribunal erred in drawing its own medical conclusions regarding the nature of the injuries by observing that the same indicated a hit by a train and not a fall from a train. Interestingly, in the same breath, the Tribunal goes on to state that there was no loco pilot report, guard statement, or any other contemporaneous railway document on record to suggest that any person was hit by a train. In fact, even the DRM report states that the body was found lying on the railway tracks.

15. This Court also finds that the Tribunal erred in drawing its own medical conclusions regarding the nature of injuries that the same indicate a hit by train and not fall from a train. Interestingly, the Turbinal in same breath goes on to say that .there was no loco pilot report, guard statement, or other contemporaneous railway document on record that any person was hit by a train. In fact, the DRM report states that the body was found to be shown on railway tracks.

16. Proceedings under the Act arise from a beneficial piece of legislation, and the standard of proof required cannot be equated with that of a criminal



trial. In Union of India v. Leela Devi(supra), this Court has held that hyper-technical approaches and speculative inferences have no place in adjudication of claims under the Act.

17. Further, as held by the Supreme Court in Union of India v. Rina Devi(supra), once the claimant establishes the basic facts indicating bona fide travel and an accidental fall, the burden shifts to the Railways to rebut the same by cogent evidence. In the present case, the respondent has failed to discharge such burden. None of the exceptions carved out under the proviso to Section 124-A of the Act are attracted.

18. In view of the above discussion, this Court is of the considered opinion that the findings recorded by the Tribunal are based on conjectures and surmises and are contrary to the settled legal position.

19. Accordingly, the impugned judgment is set aside and the matter is remanded back to the Tribunal for awarding of compensation in accordance with the law. The matter be listed before the Tribunal at the first instance on 23.02.2026. Let the compensation be disbursed to the appellants/claimants within two months thereafter.

20. The appeal is disposed of in the above terms.

21. A copy of this judgment be communicated to the concerned Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

FEBRUARY 11, 2026/kb