



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

% Reserved on : 25.03.2026
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+ **FAO 352/2014**

RAJLI DEVIAppellant

Through: Mr. NK Gupta, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Satya Ranjan Swain, CGSC

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the impugned judgment dated 17.01.2014 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA II(u) No. 521/2011, titled as "*Smt. Rajli Devi vs. Union of India*".
2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellant herein on the ground that the deceased was neither a *bona fide* passenger, nor was the alleged incident an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").
3. The brief facts of the case, as stated in the claim application are that on 24.09.2011, one Sh. *Sanjay Chauhan* (hereinafter referred to as the



“deceased”) was travelling from *Nawada* to *Delhi* by Train No. 12815 (*Neelanchal* Express), on the strength of a valid second-class ticket. It is the case of the appellant that due to heavy rush and jostling of passengers in the compartment, the deceased accidentally fell on the platform of *Gaya* Junction, and sustained grievous injuries, which resulted in his death.

4. Learned counsel for the appellant assails the impugned judgment by contending that the Tribunal has erred in rejecting the claim despite the material available on record clearly establishing that the deceased was a *bona fide* passenger and had died in an “untoward incident”. It is submitted that the journey ticket bearing No. F-79225103 was recovered and stands corroborated by the inquest proceedings, and therefore, the findings of the Tribunal are unsustainable. It is further submitted that the Tribunal has failed to appreciate the contemporaneous railway record, including the memo issued by the Station authorities at the earliest point of time, which clearly indicates that an injured person was found within the railway premises, thereby supporting the case of an accidental fall from a train. It is further contended that the Tribunal has placed undue reliance on alleged inconsistencies in the statements of the claimant, while ignoring the settled position that minor discrepancies cannot override documentary and contemporaneous evidence.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that no reliable proof of journey was produced and that the claim of accidental fall is not supported by any eyewitness account. It is further contended that there are material inconsistencies in the version put forth by the appellant, which cast serious doubt on the manner of occurrence. It is submitted that the Tribunal has rightly appreciated the



evidence on record and returned findings of fact, which do not call for interference.

6. This Court has heard the arguments of both the parties and perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration are that whether the deceased was a *bona fide* passenger and whether the alleged incident was an “untoward incident” as defined under the Act.

8. Coming first to the manner of occurrence, the Station Master’s memo dated 25.09.2011 records that an intimation regarding an “unconscious person” lying within the railway premises, near the “First Aid Counter”, was relayed to the GRP, and such information being the earliest account of the incident, establishes that the injured person was found within the precincts of the railway station. The GRP proceedings also proceed on the basis that the deceased had sustained injuries within the railway premises and thereafter, he succumbed to the same. Subsequently, the “Report of Untoward Incident” further records that the deceased sustained a head injury on account of an “accidental fall while boarding the train”, and the said report also notes the date and time of the incident, which further supports the appellants’ version.

9. Furthermore, the DRM placed on record also records that the deceased had purchased a journey ticket bearing No. F-79225103 for his travel from *Nawada* to *Delhi*. The said report further notes that the head injury, which resulted in his death, was sustained at Platform No.1 of *Gaya* Junction Railway Station, thus, while the Tribunal has sought to draw inferences from certain observations in the said report, it is noteworthy that



Railways' own record does not dispute either the presence of the deceased or the occurrence of the incident at the platform.

10. At this stage, it is apposite to note that in Union of India v. Prabhakaran Vijaya Kumar¹, the Hon'ble Supreme Court has held that the expression "untoward incident" is to be interpreted liberally, the relevant extracts wherefrom are as under:

"10. We are of the opinion that it will not legally make any difference whether the deceased was actually inside the train when she fell down or whether she was only trying to get into the train when she fell down. In our opinion in either case it amounts to an 'accidental falling of a passenger from a train carrying passengers'. Hence, it is an 'untoward incident' as defined in Section 123(c) of the Railways Act.

11. No doubt, it is possible that two interpretations can be given to the expression 'accidental falling of a passenger from a train carrying passengers', the first being that it only applies when a person has actually got inside the train and thereafter falls down from the train, while the second being that it includes a situation where a person is trying to board the train and falls down while trying to do so. Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one."

11. The Tribunal has also relied upon the post-mortem report to cast doubt on the case of the appellant by observing that "no external mechanical injuries" were found on the body of the deceased. However, no conclusive material has been brought on record to establish that the death occurred due to any cause unconnected with the railway incident. The contemporaneous record, including the station memo, the GRP proceedings and the Report of Untoward Incident, consistently attribute the injuries, particularly the head injury, to an "accidental fall" within the railway premises. In the absence of

¹ (2008) 9 SCC 527



any evidence to the contrary, the reliance placed on isolated observations in the post-mortem report is misplaced.

12. Insofar as the issue of *bona fide* travel is concerned, the Tribunal has rejected the claim solely on the ground that the version of the appellant suffers from inconsistencies, particularly with regard to the accompanying persons and the sequence of events. The Tribunal has also drawn adverse conclusions on the basis of such inconsistencies and has gone to the extent of disbelieving the entire case of the appellant. In the opinion of this Court, the approach adopted by the Tribunal is unsustainable, as minor discrepancies relating to the manner in which the deceased was accompanied or the exact sequence of events do not displace the core factual position emerging from the contemporaneous record, namely, that the deceased was travelling on a valid journey ticket and was found in an injured condition within the railway premises and had sustained injuries in a railway occurrence.

13. The record reveals that the journey ticket bearing No. F-79225103 was recovered from the deceased, and the existence of the ticket is thus, supported by contemporaneous official record. The Tribunal has thus, discarded the said evidence on conjectural grounds without there being any material to doubt the authenticity of the ticket. It is also significant that apart from a futile denial, no cogent evidence has been led by the Railways to establish that the said ticket was fabricated or that the deceased was not travelling pursuant thereto.

14. As per the law laid down in *Union of India v. Rina Devi*², once the claimant is able to place material indicating travel, the burden shifts upon

² (2019) 3 SCC 572



the Railways to disprove the same, and mere absence or doubt regarding the ticket cannot be determinative. Applying the aforesaid principle to the facts of the present case, once the ticket stands supported by contemporaneous record and the occurrence of the incident within the railway premises is established, the burden shifted upon the Railways to rebut the same, which it has failed to discharge. Furthermore, once the occurrence of an “untoward incident” is established, the liability of Railways is strict unless the case falls within the statutory exceptions. {Ref: Prabhakaran Vijaya Kumar (supra)}

15. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 30.04.2026.

16. The appeal is allowed and disposed of in the above terms.

17. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

APRIL 16, 2026

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