



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

% Reserved on : 16.01.2026
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+ **FAO 367/2014**

SANJU DEVI & ANRAppellants
Through: Mr. Yogesh Swaroop & Ms. Shivangi
Singh, Advocates.
versus
UNION OF INDIARespondent
Through: Mr. Shoumendu Mukherji, SPC with
Mr. Aniruddha Ghosh & Ms. Surabhi
Tuli, Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been instituted against the judgment dated 30.05.2014 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA(IIu) 127/2013.
2. Vide the aforesaid judgment, the Tribunal rejected the appellants' claim seeking compensation for the death of late *Satyanarayan Yadav* (husband of appellant no. 1 and father of appellant nos. 2 & 3), concluding that his death had occurred due to a "self-inflicted injury" and "criminal negligence".
3. Learned counsel for the appellants has contended that the Tribunal erred by deciding the core issue against the appellants as once the deceased was accepted to be a *bona fide* passenger, the incident of him falling from



the running train must be classified as an “untoward incident,” attracting strict liability under the relevant provisions.

4. Learned counsel for the respondent, on the other hand, while relying upon the Departmental Enquiry report, submits that the deceased jumped out of the fast moving train, thereby causing self-inflicted injuries, and it is not a case of an accidental fall but an act of criminal negligence, in light of which the appellants are not entitled to any compensation.

5. At the outset, it is pertinent to note that the Tribunal accepted the claimant’s contention that the deceased was a *bona fide* rail passenger of *Avadh Assam Express* on the day when he died at the *Kishan Ganj Station, Delhi*. The said finding has not been assailed by the respondent and has thus attained finality. The sole issue for determination before this Court is whether or not the death occurred in an “untoward incident” as defined in Section 123(c)(2) of the Railways Act, 1989.

6. The Tribunal, in the impugned judgment, has primarily relied upon the Departmental Enquiry report to conclude that the deceased “jumped” out of the concerned moving train and fell into the gap between the train and the platform. This conclusion was based on the accounts of *Anup Singh*, RPF Constable on duty at the concerned platform at the time of the incident; *Bhagwan Singh*, the guard of the concerned train; and *Tek Narayan*, the driver of the concerned train.

7. Ct. *Anup Singh* has given two different versions of the incident. In his initial statement to the GRP dated 28.01.2013, he stated that a person had simply “fallen” from the running train and died. However, in his later statement, which has been relied upon in the Departmental Enquiry report, he claimed to have seen a person “jumping” from the train. The Tribunal



itself noted that the *Anup Singh* was "speaking with a forked tongue" and did not find his statement reliable.

8. The driver of the concerned train, *Tek Narayan*, has stated that while approaching platform no. 2 of the *Kishan Ganj Station*, the people on the platform raised hue and cry and he therefore stopped the train in the middle of the platform. He went behind and found that a person had been killed by the train. The bystanders statedly told him that the man had jumped from the running train onto the platform. The train's guard, *Bhagwan Singh*, has given a similar version of events; however, according to him, it was the driver *Tek Narayan* who had told him the said version. Evidently, none has seen the incident himself.

9. The record shows that no independent witness was examined before the Tribunal to verify these claims. The respondent, having taken the plea of self-inflicted injury, failed to produce a single reliable, independent eyewitness who could prove that the deceased intentionally jumped from the train with an intent to inflict injury upon himself.

10. The interpretation of the physical condition of the body of the deceased by the Tribunal as proof of jumping, rather than the result of an accidental fall, is purely speculative and arbitrary, not borne out of any material on the record.

11. It is trite law that the provision pertaining to compensation in the Railways Act is a beneficial piece of legislation and should accordingly receive a liberal and wider interpretation instead of a narrow and technical one. Furthermore, the liability under Section 124A has been held to be strict and in such cases, no proof of fault on behalf of the Railways is required. Contributory negligence on the part of the victim has also been held to not



be an acceptable defence (Ref: Union of India vs. Prabhakaran Vijaya Kumar and Ors.¹).

12. In order to deny compensation, as per the statutory scheme, the act in question must come under the ambit of a “self-inflicted injury” or a “criminal act”, which requires a higher standard of proof to be satisfied than what has been proved by the respondent in the present case. The finding of “criminal negligence” by the Tribunal, plainly put, is not supported by the evidence on record.

13. The respondent has failed to discharge its burden of proving that the deceased committed an act that falls within the strict exceptions of Section 124A by examining any independent eyewitness and consequently, this Court is of the considered opinion that the death of the deceased occurred in an “untoward incident”.

14. In view of the aforesaid, the appellants are held to be entitled to compensation.

15. Accordingly, the matter shall be listed before the Railway Claims Tribunal on 23.01.2026 for the purpose of awarding the applicable statutory compensation in terms of the Railway Accident Compensation Rules, 1990. The compensation granted thereof shall be remitted within a period of 4 weeks.

16. The present appeal is disposed of in the above terms.

**MANOJ KUMAR OHRI
(JUDGE)**

JANUARY 17, 2026

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¹ (2008) 9 SCC 527