



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

% Reserved on : 01.04.2026  
Pronounced on : 21.04.2026  
Uploaded on : 21.04.2026

+ **FAO 53/2021**

OM PRAKASH

.....Appellant

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Subhash Tanwar, CGSC with Mr.  
Sandeep Mishra and Ms. Bhavi Garg and Mr.  
Naveen, Advocates

**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 09.07.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in Claim Application OA II(u) No. 61/2018, whereby the claim application filed by the appellant seeking injury compensation was dismissed.

2. The brief facts of the case are that on 23.12.2017, the appellant was travelling from *Gurgaon* to *Delhi* by the *Janta* Express Train on the strength of a valid journey ticket. It is the case of the appellant that when the train



reached *Patel Nagar* Railway Station, he got down to get water and while attempting to re-board the train, he accidentally fell and sustained grievous injuries resulting in amputation of both his legs.

3. Learned counsel for the appellant assails the impugned judgment by contending that the Tribunal has erred in dismissing the claim despite having returned a categorical finding that the incident in question was an “untoward incident”. It is submitted that the finding regarding absence of *bona fide* travel is based merely on non-recovery of the ticket at the spot and on the DRM report, both of which have been erroneously treated as determinative. It is further submitted that the ticket stood duly verified by the Railways themselves and the contemporaneous record, including GD entry, station master memo and medical documents, clearly establish the occurrence of the incident in the course of train travel.

4. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that no ticket was recovered from the appellant at the time of the incident and that the appellant was negligent while boarding the train. It is submitted that the DRM report indicates that the appellant was not a *bona fide* passenger and therefore, the Tribunal has rightly rejected the claim.

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

6. At the outset, it may be noted that the Tribunal has already returned a finding that the appellant suffered injuries in an “untoward incident” within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the “Act”). The said finding is premised on the contemporaneous record, including the General Diary entry, the station



master memo and the medical record, which consistently record that on 23.12.2017, at Platform No. 2, *Patel Nagar* Railway Station, a person fell from a running train resulting in grievous injuries, including amputation of both lower limbs. The said occurrence stands further corroborated by the MLC and discharge summary prepared at Dr. RML Hospital, which recorded the case as a “railway track accident”. The Tribunal has, thus, recorded that the injuries were sustained as a result of an accidental fall from a running train and, on that basis, answered the issue relating to “untoward incident” in favour of the appellant. A perusal of the record further confirms that the occurrence of the incident is supported by contemporaneous documentary evidence, which has not been disputed by the respondent. The said finding, being based on reliable material and not having been assailed, has attained finality.

7. The controversy in the present appeal is thus confined to the issue as to whether the appellant was a *bona fide* passenger at the time of the incident.

8. The Tribunal has rejected the claim primarily on the ground that no journey ticket was recovered from the appellant at the spot and has drawn an adverse inference against him on that basis. In the present case, the appellant has not only established the occurrence of the incident, but has also placed on record material showing that a journey ticket bearing No. 31139829 was handed over and was subsequently verified by the Railway authorities.

9. The record pertaining to ticket verification clearly confirms its issuance on the date of the incident for the relevant journey. Further, the seizure memo (*fard*) reflects that the ticket was taken into custody in the course of investigation. This material, read in conjunction with the



contemporaneous railway and medical record, sufficiently establishes the foundational facts, thereby shifting the onus upon the Railways, which remains wholly undischarged. The variations sought to be relied upon by the respondent, including the manner in which the journey ticket was procured, pertain to peripheral aspects and cannot be elevated to a determinative factor so as to discredit the otherwise consistent and cogent case of the appellant regarding his travel from *Gurgaon* to *Delhi* and the occurrence of the incident in the course thereof.

10. A perusal of the DRM report shows that while it attempts to attribute negligence on the part of the appellant, it nevertheless records that the incident occurred due to a fall from a running train and also notes the existence and subsequent verification of the journey ticket. The conclusions drawn therein are based on inferences and not on any direct or independent evidence to establish that the appellant was travelling without a ticket. It is well settled that such internal enquiry reports do not constitute substantive evidence and cannot override contemporaneous documentary material. In the absence of any evidence such as ticket checking records, penalty proceedings or any independent proof of ticketless travel, the Railways have failed to discharge the burden cast upon them. In view of the aforesaid, this Court is of the considered opinion that the appellant has successfully established his status as a *bona fide* passenger, and the finding of the Tribunal to the contrary cannot be sustained.

11. 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



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from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 07.05.2026.

12. The appeal is allowed and disposed of in the above terms.
13. A copy of this judgment be communicated to the learned Tribunal.

**(MANOJ KUMAR OHRI)**  
**JUDGE**

**APRIL 21, 2026**

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