



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

% Reserved on : 15.04.2026
Pronounced on : 28.04.2026
Uploaded on : 28.04.2026

+ **FAO 56/2025**

ANITA DEVI & ORS.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: None

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 judgment dated 30.08.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/132/2019, titled as "*Smt. Anita Devi & Ors. vs. Union of India*".
2. Vide the impugned 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. None appears for the respondent.



4. The brief facts of the case, as stated in the claim application, are that on 27.04.2018, one Sh. *Sanjeev Kumar* (hereinafter referred to as the “deceased”) was travelling from *Phaphund* to *Ghaziabad* on the strength of a valid journey ticket. It is the case of the appellants that during the course of the said journey, owing to heavy rush and push of the passengers near the gate, the deceased accidentally fell from the running train near *Ekdil* Railway Station and sustained fatal injuries, as a result of which he died.

5. Learned counsel for the appellants assails the impugned judgment by contending that the Tribunal has erred in disregarding the evidence on record, which clearly establishes that the deceased suffered injuries in a railway accident. It is submitted that the Station Master memo, *panchnama* proceedings consistently record that the dead body was found lying on the side of the railway line at *Ekdil* station. It is further submitted that the post-mortem report records ante-mortem injuries and opines the cause of death as shock and haemorrhage due to injuries, which is consistent with a fall from a running train. It is further contended that the Tribunal has wrongly discarded the testimony of Sh. *Rajpal Singh*, who had deposed that he had accompanied the deceased to *Phaphund* Railway Station, and had witnessed the purchase of the journey ticket and made the deceased board the train.

6. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that no journey ticket was recovered from the person of the deceased during *jamatalashi* and therefore the deceased cannot be treated as a *bona fide* passenger. It is further submitted that as per the statement of the loco pilot, “no untoward incident was reported” during the relevant time, and thus, the case of accidental fall is not established. It is also contended that there are inconsistencies in the version of the appellants with



regard to the train number and therefore the claim has rightly been rejected.

7. This Court has heard the learned counsels for the parties and perused the material on record.

8. In the backdrop of the above facts, the two issues that arise for consideration are whether the incident in question constitutes an “untoward incident” within the meaning of the Act and whether the deceased was a *bona fide* passenger.

9. Coming first to the manner of occurrence, the record clearly reflects that the first information relayed by keyman at *Ekdil* Railway Station, *Suman Kumar Singh*, regarding the dead body was sent to the Station Master on 27.04.2018, at 13:00 hours, which notes that the deceased was found lying on the side of the up line between KM No. 1145/23-25, near *Ekdil* Railway Station, and there is thus, no material to indicate that he was “run over” while crossing the railway line.

10. The Tribunal has, however, proceeded to rely upon the DRM report to conclude that the sequence of events is uncertain and that the deceased was not travelling by train. A perusal of the said report shows that it is based on internal inquiry and not on any eyewitness account. The report itself does not establish any alternative manner of occurrence and merely records absence of ticket. Such a report, being in the nature of a departmental document, cannot override the contemporaneous material on record and lacks probative value in absence of supporting evidence.

11. Furthermore, the reliance placed by the Tribunal on the statement of *Sh. Pappu Lal Meena*, the loco pilot of Train no. 19040 UP, to conclude that no incident had occurred is equally misplaced. The statement merely indicates that “no untoward incident” was reported during the journey, and



just because an incident was not reported, it cannot negate the possibility of an accidental fall. The said statement, therefore, does not disprove the case of the appellants.

12. Insofar as the issue of *bona fide* travel is concerned, the Tribunal has rejected the claim primarily on the ground that no journey ticket was recovered from the person of the deceased. This approach is contrary to the settled position of law. In Union of India vs. Rina Devi¹, the Hon'ble Supreme Court has held that the initial burden on the claimant can be discharged by filing an affidavit and placing relevant circumstances on record, whereafter the burden shifts upon the Railways to rebut the same, and that mere non-recovery of a ticket cannot, by itself, be treated as conclusive to deny compensation.

13. In the present case, the appellants have discharged this initial burden. AW-2, *Rajpal Singh*, uncle of the deceased, has specifically deposed that he had accompanied the deceased to *Phaphund* Railway Station, had witnessed the purchase of the ticket and had made the deceased board the train. A perusal of the said deposition shows that the core of the testimony, namely the purchase of ticket and commencement of journey, remains consistent and unshaken and minor discrepancies relating to timing or platform cannot be a ground to discard the entire testimony.

14. Once the appellants had discharged the initial burden, the onus shifted upon the respondent to establish that the deceased was not a *bona fide* passenger or that the case falls within any of the statutory exceptions. The respondent has failed to discharge this burden. The DRM report does not provide any cogent alternative explanation and the statements relied upon do

¹ (2019) 3 SCC 572



not negate the possibility of an accidental fall.

15. In view of the failure of the respondent to produce any rebuttal evidence, the presumption arising in favour of the appellants remains intact. The Tribunal has adopted an unduly rigid standard of proof, overlooking the beneficial object of the Act and has erred in rejecting the claim by placing reliance on conjectural material while ignoring the contemporaneous record.

16. It is well settled that the provisions relating to compensation under Section 124-A of the Act constitute a piece of beneficial legislation and must be construed liberally. In Union of India vs. Prabhakaran Vijaya Kumar², the Supreme Court held that once the occurrence of an “untoward incident” is established, the liability of Railways is strict unless the case falls within the statutory exceptions.

17. This Court is therefore of the considered opinion that the death of the deceased occurred in the course of a railway accident and squarely falls within the definition of an “untoward incident”. Further, the requirement laid down in Rina Devi (supra) stands duly satisfied inasmuch as there is cogent evidence on record regarding purchase of journey ticket and commencement of travel, and the respondent has failed to rebut the same.

18. 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 12.05.2026.

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

² (2008) 9 SCC 527



2026:DHC:3605



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

(MANOJ KUMAR OHRI)
JUDGE

APRIL 28, 2026

kk