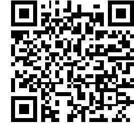


* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 22.01.2026
Pronounced on : 30.01.2026
Uploaded on : 30.01.2026

\+ **FAO 38/2021**

MOHD. UBAID .....Appellant

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

versus

UNION OF INDIA .....Respondent

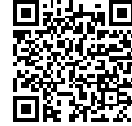
Through: Mr. Jitesh Vikram Srivastava, Advocate (SPC)

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal is directed against the judgment dated 06.03.2020 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA (IIu) No. 140/2019, filed under Section 16 of the Railway Claims Tribunal Act, 1987 (hereinafter referred to as the "Act").

2. The Tribunal observed that though the appellant was a bona fide passenger having a valid journey ticket for the journey from *Shahdara* to *Loni,* the appellant was travelling on the footboard of the train while holding



the handrail of the coach and, as a result thereof, fell from the train and suffered amputation of his right leg. On this basis, the Tribunal held that the alleged incident did not fall within the definition of an "untoward incident" under the Railways Act. The Tribunal further held that such negligent conduct was covered by the exception under Section 124-A of the Act, treating the injuries as self-inflicted and attributing the same to the appellant's alleged state of intoxication.

3. The Tribunal, in the impugned judgment, primarily rested its conclusions on the hospital discharge summary (Annexure-M) and, on that basis, declined to apply the judgments relied upon by the appellant, wherein it has been held that the mere smell of alcohol, in the absence of concrete medical evidence, does not disentitle a claimant from compensation. The Tribunal reasoned that, unlike the said cases, the discharge summary in the present case records that the appellant was under the influence of alcohol and, treating the said entry as determinative, held that the appellant was not entitled to compensation in view of the exception carved out under Section 124-A of the Act.

4. Learned counsel appearing for the appellant submits that the Tribunal rejected the claim solely on a limited issue, now arising for consideration before this Court, namely, whether the incident in question falls within the ambit of an "untoward incident" as defined under Section 123(c)(2) of the Act, so as to attract strict liability under the relevant statutory provisions. Learned counsel further submitted that the Tribunal has erred in its conclusion, as the observation regarding intoxication finds mention only in

the discharge summary and is based on mere speculation, without there being any supporting medical evidence or document to substantiate the same. It is contended that even the MLC (Annexure-G), which constitutes the first and contemporaneous medical record, contains no reference whatsoever to the smell of alcohol, and that the discharge summary cannot override the MLC. Learned counsel further points out that the appellant is an HIV-positive patient, as also recorded in the discharge summary (Annexure-M), and submits that certain medications prescribed for such a condition are known to cause an alcohol-like odour on a person's breath. It is further contended that no blood sample was drawn, no blood alcohol content was detected, and no cogent medical record or explanation has been furnished as to the basis on which the attending doctors arrived at the conclusion that the appellant was intoxicated.

To substantiate this submission, learned counsel for the appellant has placed reliance on the judgments in *Bhola Nath v. Union of India*[1], *Tuntun Kumar v. Union of India*[2], and *Ramesh v. Selvakumar*[3], wherein it has been held that the mere smell or odour of alcohol, by itself, does not constitute sufficient proof of intoxication. It is submitted that mere odour does not establish any direct nexus between the alleged consumption of alcohol and the injuries sustained. It is further contended that, in the absence of any scientific or medical evidence, such as a blood alcohol test or contemporaneous medical assessment demonstrating a state of intoxication,

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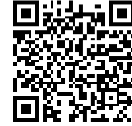
[1] 2019 SCC OnLine Del 11278.
[2] 2017 SCC OnLine Del 12457
[3] 2024 SCC OnLine Mad 809

the benefit of doubt must necessarily enure in favour of the claimant. It is urged that the MLC is required to be read as a whole and that, in the absence of medical confirmation of intoxication, the Tribunal erred in drawing an adverse conclusion against the appellant.

5. Learned counsel for the respondent, on the other hand, placing reliance on the departmental enquiry report and the hospital discharge summary referred to hereinabove, submits that the appellant was under the influence of alcohol and had voluntarily placed himself in a perilous position, thereby sustaining self-inflicted injuries. It is contended that the incident does not constitute a case of an accidental fall but is the result of an act amounting to criminal negligence, squarely attracting the exception carved out under Section 124-A of the Act. On this basis, it is urged that the appellant is not entitled to any compensation and that no liability can be fastened upon the Railways.

6. I have heard the learned counsels for the parties and perused the material on record.

7. In his evidence affidavit (Annexure-I), the appellant deposed that he had boarded the train from the offside and, owing to heavy rush inside the compartment, was compelled to travel while standing at the gate of the compartment. He stated that due to continuous pushing from within the train, his grip loosened, as a result of which he fell from the train. He further testified that several other passengers were also forced to travel in the same manner, which, according to him, was a common practice on account of overcrowding. The appellant also categorically refuted the suggestion that he



was under the influence of alcohol at the time of the incident.

8. The injuries sustained by the appellant stand duly verified through the Disability Certificate (Annexure-K) placed on record, which unequivocally records that the appellant has suffered a traumatic amputation of the right lower limb above the knee joint.

9. The record before this Court reveals that no independent witness was examined on behalf of the respondent before the Tribunal to substantiate its allegations. The respondent, having taken the plea of self-inflicted injury, failed to produce any reliable independent eyewitness or cogent documentary evidence to support its assertions of criminal negligence and intoxication on the part of the appellant. Consequently, the submissions advanced on behalf of the respondent are purely speculative and arbitrary, and are not borne out by any material on record.

10. This Court finds merit in the submissions advanced on behalf of the appellant and accepts the same. The precedents relied upon clearly establish that a mere allegation, observation, or recording of the smell of alcohol, in the absence of any scientific or cogent medical evidence, such as a blood alcohol test or contemporaneous medical assessment, is insufficient to conclude intoxication and cannot form the basis for denial of compensation. In order to attract the exception under Section 124-A of the Act, it was incumbent upon the respondent to place on record reliable medical evidence demonstrating a state of intoxication and a nexus between such intoxication and the incident, which is conspicuously absent in the present case.

Further, the observation regarding the appellant being under the

influence of alcohol finds mention only in the discharge summary dated 08.08.2018, which is not the material date for consideration. The relevant issue is whether the appellant was intoxicated on 01.08.2018, being the date of the incident. The contemporaneous medical record for that date is the MLC dated 01.08.2018, which contains no reference to the smell of alcohol or to intoxication in any form. In the absence of any cogent or contemporaneous medical evidence establishing intoxication on the date of the incident, a subsequent observation recorded in the discharge summary cannot be treated as conclusive or determinative of the issue in question.

11. It is trite law that the provisions pertaining to compensation under the Railways Act, 1989 constitute beneficial legislation and must, therefore, receive a liberal, purposive, and pragmatic interpretation rather than a narrow or hyper-technical one. Where an accident does not fall within any of the exceptions enumerated in clauses (a) to (e) of the proviso to Section 124-A, the claim is governed by the main body of Section 124-A. The liability under Section 124-A is one of strict or no-fault liability, and once the occurrence of an "untoward incident" within the meaning of the Act is established, the question as to who was at fault becomes wholly irrelevant (Reference: *Union of India v. Prabhakaran Vijaya Kumar*[4]). Tested on the aforesaid principles, the defence raised by the respondent attributing negligence, criminal conduct, or intoxication to the appellant in the present facts, is legally unsustainable. The respondent has failed to discharge the burden of establishing the applicability of any exception under Section 124-

[4] (2008) 9 SCC 527

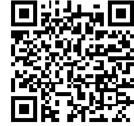
A, particularly in the absence of any contemporaneous or cogent medical evidence demonstrating intoxication at the time of the incident. The Tribunal, therefore, erred in denying compensation by adopting a technical and speculative approach, contrary to the settled position of law governing claims arising out of untoward railway incidents.

12. Under the statutory scheme, compensation can be denied only if the incident is shown to fall within the limited exceptions of “self-inflicted injury” or a “criminal act”, which require strict and cogent proof. The respondent has failed to discharge this burden in the present case. The findings returned by the Tribunal are, therefore, unsupported by the evidence on record. This Court accordingly holds that the Tribunal has committed a manifest error in appreciating the material on record and that the impugned judgment is legally unsustainable.

13. The respondent has failed to discharge its burden of proving that the appellant committed any act falling within the strict exceptions carved out under Section 124-A of the Act. Consequently, this Court is of the considered opinion that the injuries sustained by the appellant were the direct result of an “untoward incident”, as defined under the Act.

14. In view of the aforesaid discussion, the appellant is held entitled to compensation, as quantified hereinafter.

15. Accordingly, taking note of the nature and gravity of the injuries suffered by the appellant, namely, traumatic amputation of the right lower limb above the knee resulting in permanent disability assessed at 75%, and having regard to the provisions of the Railway Accidents and Untoward



Incidents (Compensation) Rules, 1990, the appellant would be entitled to compensation in terms of Part III, Item 19 of the Schedule, amounting to Rs. 4,80,000/- alongwith a rate of interest at 12% per annum, from date of accident, i.e., 31.07.2018 till date of realization.

16. The respondent is directed to pay the aforesaid amount to the appellant within a period of four weeks from the date of this judgment.

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

MANOJ KUMAR OHRI
(JUDGE)

JANUARY 30, 2026
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