

Smt. Usha Devi and Ors vs Union of India

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Court : Delhi

Decided On : Feb-26-2026

Judge : Hon'Ble Mr. Justice Manoj Kumar Ohri

Appeal No. : FAO/112/2021

Appellant : Smt. Usha Devi and Ors

Respondent : Union of India

Advocate for Pet/Ap. : Mr. Rajan Sood, Ms. Ashima Sood, Ms. Megha Sood

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Reserved on : 29.01.2026

Pronounced on : 26.02.2026

Uploaded on : 26.02.2026

+ FAO 112/2021 SMT. USHA DEVI AND ORSAppellants Through:
Mr. Rajan Sood, Ms. Ashima Sood, Ms. Megha Sood, Advocates.

versus

UNION OF INDIARespondent Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal is filed under Section 23 of the Railway Claims

Tribunal Act, 1987, assailing the

JUDGMENT / ORDER

passed by the Railway Claims Tribunal, Principal Bench, Delhi titled as Smt. Usha Devi & Ors. v. Union of India.

2. Vide the judgment dated 21.05.2019 in Case no. OA-

IIu/GZB/2017/144, the Tribunal dismissed the claim application on the ground that the deceased was not proved to be a bona fide passenger and that the alleged incident was not an untoward incident as defined under Section

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123(c)(2) of the Railways Act, 1987 (hereinafter referred to as Act). Subsequently, a review application was filed by the claimant which came to be dismissed vide order dated 20.12.2019 in Review/GZB/2019/15/OA/GZB on the grounds that the absence of counsel due to strike and the alleged improper appreciation of evidence did not constitute an error warranting review, and that the remedy

available to the appellants was to prefer an appeal before the appropriate forum.

3. Vide order dated 29.01.2026, this Court noted that there was no

representation on behalf of the respondent for the last few dates, and in this backdrop, the Court proceeded to hear arguments on behalf of the appellants.

4. Briefly stated, the facts of the case, as set out by the appellants, are

that on 09.03.2017, one Amrendra Sharma (hereinafter referred to as the deceased) was travelling from Haridwar to Patna by Upasna Express with a valid general ticket bearing No. H-28434390. During the journey, the deceased accidentally fell at KM No. 1367/2 (between Rampur and Shahzad Nagar) due to a jerk in the train. He sustained grievous injuries to vital parts of his body, and succumbed to the same at the spot.

5. Learned counsel for the appellants assails the impugned judgement by

contending firstly, that the deceased was a bona fide passenger and secondly, that the alleged incident qualifies as an untoward incident. It is submitted that the deceased was travelling on a valid railway ticket which was recovered during the inquest proceedings, recorded in the Panchayatnama, and duly verified by the Chief Booking Supervisor and that the Tribunal

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erred in disregarding such recovery and wrongly insisted upon verification from CRIS. It is further submitted that the deceased due to sudden jerk and heavy rush accidentally fell from the train between Rampur and Shahzad Nagar and sustained multiple grievous injuries.

6. I have heard the learned counsel for the appellants and perused the records.

7. In the backdrop of the above facts, the Tribunal framed issues for adjudication, namely, whether the deceased was a bona fide passenger at the relevant time, and whether the alleged incident amounts to an untoward incident as defined under the Act.

8. It is noted that the inquest report clearly notes that a valid railway

journey ticket bearing No. H-28434390 dated 08.03.2017 for travel from Haridwar to Patna was recovered from the deceased. The said ticket was thereafter duly verified by the Chief Booking Supervisor, Haridwar, after a request was made, who certified that the ticket had been issued from Counter No. 1 by Sh. Dinesh Kumar, SBC, thereby affirming its genuineness. Once the recovery of the ticket from the deceased and its subsequent verification by the Railways stood established on record, the initial burden of proving that the deceased was a bona fide passenger stood discharged, and the onus shifted upon the respondent to rebut the same by cogent evidence, which they failed to do (Ref: Union of India v. Rina Devi¹).

(2019) 3 SCC 572

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9. Further, the copy of the Station Master Daily Diary, Rampur dated

09.03.2017, clearly corroborates the appellants version of the incident on railway premises, as it records that at about 9:10 AM, Keyman, Sh. Abbas Ali telephonically informed that a dead body was lying at KM No. 1367/02-04 between Rampur and Shahzad Nagar, situated between the

UP and DN railway lines, whereupon a memo was sent to the Police Station, Civil Line and RPF.

10. The Keyman, Sh. Abbas Ali in his statement narrated that while

performing his duty on 09.03.2017 between 06:00 AM to 04:00 PM, during inspection of the railway line between KM No. 1371/0 to 1367/0, he noticed a dead body lying between the tracks and promptly relayed the information at 9:10 AM to Sh. S.K. Bhargav, who thereafter communicated to the Station Master. The statement of Keyman and the official records, clearly establish that the body of deceased was found on the railway track.

11. Furthermore, the DRM report also records that that a valid railway

ticket bearing No. H-28434390, Ex. Haridwar to Patna dated 08.03.2017, was recovered from the deceased. It was further opined that though the fall was not established, the circumstances of the incident indicate that the death of the deceased was accidental and occurred due to his own negligence.

12. The factum of recovered journey ticket having been verified and the

body of deceased found on same railway track, taken cumulatively, sufficiently discharge the initial burden of proof cast upon the claimants and

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raise a presumption. The Tribunal further gravely erred in calling the injuries suffered by the deceased as self-inflicted injury. The body was discovered in midsection i.e., between two railway stations. There is no report by any other loco pilot of run over. By any stretch of reasoning, be equated with intentional self-harm or negligence so as to fall within the

exceptions carved out under Section 124A of the Railways Act.

13. 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 124A, 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 (Ref: Union of India v. Prabhakaran Vijaya Kumar²). The respondent has failed to discharge the burden of establishing the applicability of any exception under Section 124-A of the Act. 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.

(2008) 9 SCC 527

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14. This Court is therefore of the considered opinion that the deceased

was travelling as a bona fide passenger and that his death occurred in an untoward incident within the meaning of Section 123(c)(2) of the Act.

15. In view of the above, the impugned judgment is set aside. The matter

is remanded back to the Tribunal. The Tribunal is requested to assess the compensation amount and direct the authorities to disburse the same within a period of 2 months. For this purpose, the matter be listed before the Tribunal at the first instance on 10.03.2026.

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

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

MANOJ KUMAR OHRI

(JUDGE)

FEBRUARY 26, 2026

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