

XOBJC-661-1995 in/and FAO-186-1994
XOBJC-662-1995 in FAO-1018-1995
XOBJC-42-CII-1995 in/and FAO-187-1994

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114 (3 cases) **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

Reserved on : 19.02.2026

Pronounced on : 18.05.2026

Uploaded on : 18.05.2026

1) XOBJC-661-1995 IN/AND FAO-186-1994 (O&M)

UNION OF INDIA

...APPELLANT

VS.

USHA SINGLA AND OTHERS

...RESPONDENTS

2) XOBJC-662-1995 IN FAO-1018-1995 (O&M)

UNION OF INDIA

...APPELLANT

VS.

SHAKUNTALA DEVI AND OTHERS

...RESPONDENTS

3) XOBJC-42-CII-1995 IN/AND FAO-187-1994 (O&M)

UNION OF INDIA

...APPELLANT

VS.

SANTOSH JAIN AND OTHERS

...RESPONDENTS

Whether only operative part of the judgment is pronounced? No

Whether full judgment is pronounced? Yes

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CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.K. Jain, Advocate,
Mr. Deepak Jain, Advocate (Through V.C.) and
Mr. Akshay Jain, Advocate
for the X-Objectors/Respondents.

Mr. Sandeep Bhatia, Sr. Panel Counsel
for the appellant.

PANKAJ JAIN, J.

By way of this common judgment, I intend to dispose off two appeals bearing FAO Nos.186 & 187-1994 and three X-Objections preferred by the claimants.

2. Union of India is in appeal disputing its liability to pay compensation on account of the injuries/death of the passengers in a bomb blast claiming that the incident does not fall within the definition of 'untoward incident'.

3. A bomb exploded in passenger train 24-Down Janta Express, going from Tohana to Jind. Many passengers received fatal injuries and five passengers died. FIR No.14 dated 08.02.1992 was registered under Section 4 of Explosive Act, Sections 3, 4, 5 of T.D.A. Act, Sections 307, 326 IPC and Section 150 of Indian Railways Act.

4. Claim petition bearing OA-II-123/93, titled as *Smt. Usha Singla and others vs. Union of India*, was filed by the claimants, seeking compensation on account of death of one Om Prakash, who died in the bomb

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blast incident. Tribunal awarded compensation holding that the bomb blast falls within the ambit of 'accident' under Section 124 of the Railways Act, 1989 (*hereinafter referred to as '1989 Act'*). Out of the said OA, the appeal bearing FAO No.186 of 1994 has arisen.

5. Claim petition bearing OA-II-131/93, titled as *Smt. Shakuntala Devi and others vs. Union of India and another*, relates to the death of Girdhari Lal and claim petition bearing OA-II-122/93, titled as *Smt. Santosh Jain and others vs. Union of India*, relates to the death of Prem Sagar Jain. In both the claim petitions, similar compensation has been awarded. Out of these two OAs, the appeals bearing FAO No.1018 of 1995 and FAO No.187 of 1994 have arisen, respectively.

6. The arguments raised by counsel for the appellant-UOI *sans merit* and cannot be accepted. Section 124 of the 1989 Act reads as under:-

“Section 124. Extent of liability.- When in the course of working a railway, an accident occurs, being either a collision between trains of which one is a train carrying passengers or the derailment of or other accident to a train or any part of a train carrying passengers, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or has suffered a loss to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to

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that extent only for loss occasioned by the death of a passenger dying as a result of such accident, and for personal injury and loss, destruction, damage or deterioration of goods owned by the passenger and accompanying him in his compartment or on the train, sustained as a result of such accident.

Explanation.--For the purposes of this section "passenger" includes a railway servant on duty."

7. The Tribunal has rightly relied upon Accident Manual issued by Northern Railway Administration to hold that the bomb blast falls within the ambit of 'accident'. Train accident has been defined under Item No.103 of the Accident Manual, which reads as under:-

103. Classification of Accidents :- Accidents are classified under following heads.

- (i) Train Accidents
- (ii) Yard Accidents
- (iii) Indicative Accidents
- (iv) Equipment Failures
- (v) Unusual incidents

Note- Detailed classification is given in chapter-II

(i). Train Accident :- Train accident is an accident that involves a train. Train Accidents are further divided as:-

- (a) Consequential train accidents and
- (b) Other train accidents

(a) Consequential train accidents include train accidents having serious repercussion in terms of loss of human life, human injury, and loss to Railway property or

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interruption to Rail traffic. Train accidents under following classification will be termed as consequential train accidents.

Collision: All cases under categories A-1 to A-4

Fire: All cases under categories B-1 to B-4

Level Crossing: All cases under categories C-1 to C-4

Derailment: All cases under categories D-1 to D-4

Miscellaneous: All cases under categories E-1

(b) Other train accidents : All other accidents which are not covered under the definition of consequential train accidents are to be treated as "other train accidents". These include accidents under categories B-5, B-6, C-5 to C-8, D-5 and E-2.

(ii). Yard Accidents :- All accidents that take place in a Yard and does not involve a train are termed as Yard Accidents. These include accidents falling under category A-5, B7, C-9 and D-6.

(iii). Indicative Accidents:- In real term they are not accidents but are serious potential hazards and include all cases of averted collision, breach of block rule, train passing signal at danger, etc. coming under classification F, G and H.

(iv). Equipment Failures :- These include all failure of railway equipment i.e. failure of locomotive, rolling stock, permanent way, overhead wire, signalling and telecommunication equipments and include cases falling under classification J,K,L and M.

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(v). Unusual Incidents :- These include cases related to law and order but not resulting in train accidents and other incidents under classification N, P, Q and R.

8. Same has been further elaborated under Item Nos.201 and 202 of the Accident Manual, which read as under:-

201. Kinds of Accident :-

(1) Accidents as defined in this Chapter are either train accidents or yard accidents.

(2) Train accidents are either consequential or indicative.

(a) Consequential accidents are :-

(i) Collisions (including side collisions),

(ii) Fire in trains,

(iii) Level crossing accidents,

(iv) Derailments,

(v) Miscellaneous.

(b) Indicative accidents are :

(i) Averted collisions, and

(ii) Breach of block rules,

(iii) Passing signal at danger,

202. Detailed Classification of Accidents :-

Accidents have been classified as per their nature as indicated in the table below. Designations of the officials to whom the accident telegrams are to be addressed and the officials by whom enquiry is to be conducted are also indicated for each class.

Class 'A' Collisions:- When a train as defined in rule 103 of this manual collides head on or from rear against any train or vehicle, whether moving or stationary is called collision.

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Collision includes side collision. Collision of a train with road vehicles at a level crossing is not to be taken as a collision but as a level crossing accident.

9. Supreme Court in the case of *Union of India and others vs. Sunil Kumar Ghosh, (1984) 4 SCC 246*, while answering the question ‘*what is an accident*’ observed as under:-

“xxxx

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13. What is the position when a passenger falls down from the train while the bogie, in which he is travelling, is being shunted? Say, when he is standing in the door frame or is trying to get in or get out of the train, on account of the jolt to the bogie at the time of impact with the rest of the train? Is it an accident “to the train” so as to attract the liability under Section 82-A? The answer substantially depends on the answer to the question: what is an “accident”? An accident is an occurrence or an event which is unforeseen and startles one when it takes place but does not startle one when it does not take place. It is the happening of the unexpected, not the happening of the expected, which is called an accident. In other words an event or occurrence the happening of which is ordinarily expected in the normal course by almost everyone undertaking a rail journey cannot be called an “accident”. But the happening of something which is not inherent in the normal course of events, and which is not ordinarily expected to happen or occur, is called a mishap or an accident. Now a collision of two trains or derailment of a train or blowing up of a train is something which no one ordinarily expects in the course of a

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journey. That is why it falls within the parameters of the definition of accident. But a jolt to the bogie which is detached from one train and attached to another cannot be termed as an accident. No shunting can take place without such a jerk or an impact at least when it is attached or annexed to a train by a shunting engine. If a passenger tumbles inside the compartment or tumbles out of the compartment when he is getting inside the compartment, or stepping out of the compartment, it cannot be said that an accident has occurred to the train or a part of the train. It is doubtless an accident “to the passenger”. But not to the train. Otherwise it will have to be held that every time a bogie is detached in the course of shunting operation and attached or annexed to a train in the course of the said operation the train meets with an accident. And if such an event or occurrence is to be ordinarily expected as a part of everyday life, it cannot be termed as an accident—accident to the train (or a part of it).

14. In the case of a mishap to the passenger in such circumstances it cannot be said that there has been an accident to the train and the mishap has nexus with it. The liability under Section 82-A will not therefore be attracted in such cases. Or in the case of a mishap to a passenger in similar circumstances, such as an injury sustained on account of falling down whilst getting on or off a running or stationary train or sustained when he slips in a compartment or when something falls on him whilst travelling. All such mishaps, when not connected with the accident to the train, or a part of it, would be accidents to the passenger only. And until both the mishaps

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take place, one to the train, and another, a sympathetic one, to the passenger, the liability under Section 82-A of the Act will not be attracted. So also, unless the loss or damage to the property of a passenger is attributable to the accident to the train, liability under Section 82-A will not be attracted.

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10. In view thereof, this Court finds that once it has been held that fire or explosion in the train falls within the definition of ‘accident’, the Union of India can not escape its liability to pay compensation on account of death arising out of bomb blast in the train/railway station.

11. Resultantly, this Court finds no reason to interfere in the findings recorded by the Tribunal to hold that the Administration is liable to pay compensation on account of death of the passengers caused on account of bomb blast in the moving train.

12. The appeals preferred by the Union of India bearing FAO Nos.186 & 187 of 1994 are ordered to be **dismissed**. The appeal bearing FAO No.1018 of 1995 already stands dismissed for non-prosecution on 22.01.2020.

13. Claimants have filed X-Objections claiming that in view of ratio laid down by Supreme Court in the case of ‘**Union of India vs. Rina Devi**’, (2019) 3 SCC 572’, they are entitled for an amount of Rs.8 lakhs.

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14. I have heard counsels for the parties and have carefully gone through records of the case.

15. Tribunal while awarding interest have observed as under:-

“60 days’ time is granted to the respondent for making payment, failing which, the applicants shall be entitled to get interest @ 12% per annum from the date of this order. The payment may be made directly to the applicants through Account Payee cheque under registered A.D. post under advice to this office.”

16. Supreme Court in **Rina Devi’s case (supra)** has observed as under:-

“19. Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in Rathi Menon [Rathi Menon v. Union of India, (2001) 3 SCC 714, para 30 : 2001 SCC (Cri) 1311] and Kalandi Charan Sahoo [Kalandi Charan Sahoo v. South-East Central Railways, (2019) 12 SCC 387 : 2017 SCC OnLine SC 1638] stands explained accordingly. The four-Judge Bench judgment in Pratap Narain Singh Deo [Pratap Narain Singh Deo v. Srinivas Sabata, (1976) 1 SCC 289 : 1976 SCC (L&S) 52] holds the field on the subject

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and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and to give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.”

17. In view of above, the compensation awarded by the Tribunal is modified. The claimants are held entitled to compensation as applicable on the date of accident along with interest @ 9% per annum from the date of filing of the claim petition till the date of actual realization.

18. The plea raised by Mr. Jain regarding entitlement of Rs.8 lakhs is rejected. The date on which the award was passed, the amount prescribed was Rs.2 lakhs. Thus, the case of the claimants falls within the exceptions carved out in *Rina Devi's case (supra)* and compensation has to abide by schedule in vogue on the date of award i.e. 25.08.1993.

19. With the aforesaid modification, the X-Objections are *disposed off*.

20. Pending application, if any, shall also stands disposed off.

21. Photocopy of this order be placed on files of the connected cases.

May 18, 2026

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(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No