



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-856-2026
Date of Decision: 17.07.2026

MEENA AND ANOTHER

...Appellants

Vs.

UNION OF INDIA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sumit Singh Chahal, Advocate (thr. V.C.)
for the appellant.

Ms. Mansi Majoka, Advocate
for respondent –UOI.

HARKESH MANUJA, J. (ORAL)

1. By way of the present appeal, challenge has been laid to the judgment dated 14.11.2025 passed by the learned Railway Claims Tribunal, Chandigarh Bench (hereinafter referred to as "the Tribunal"), whereby the claim application preferred by the appellants under Section 124-A of the Railways Act, 1989 seeking statutory compensation on account of the death of their son, Mayank, in an alleged untoward incident, came to be dismissed.

2. Briefly stating, the case set up by the appellants before the Tribunal was that the deceased, after attending a Jagran at Aurangabad,

was returning to Karnal along with his companions by Train No.12715 Sachkhand Express on the strength of a valid railway journey ticket. It was alleged that while the train was approaching Harsana Kalan Railway Station, a rumour spread inside the compartment that the train had caught fire, resulting in panic amongst the passengers. In the ensuing chaos, several passengers, including the deceased, jumped out of the train to save themselves. Unfortunately, the deceased was struck by another train moving on the adjacent track and succumbed to the injuries. The appellants, being the dependent parents of the deceased, claimed statutory compensation under Section 124-A of the Railways Act.

3. Upon appreciation of the evidence, the Tribunal recorded a categorical finding that the deceased was travelling on a valid railway ticket and was, therefore, a bona fide passenger. However, while deciding Issue No.2, the Tribunal held that the deceased ceased to be a passenger the moment he boarded the train after it had halted due to alarm chain pulling (ACP). It further held that his act of jumping from the train and being hit by another train amounted to self-inflicted injury and his own negligent act, thereby attracting the exceptions contained in clauses (b) and (c) of the proviso to Section 124-A. Consequently, the claim petition was dismissed.

4. Having heard learned counsel for the appellants and upon perusal of the record, this Court is of the considered opinion that the approach adopted by the Tribunal suffers from a manifest misapplication of the statutory provisions governing compensation for untoward incidents under the Railways Act.

5. At the outset, it deserves to be noticed that the finding of the Tribunal declaring the deceased to be a bona fide passenger has attained

finality, as the respondent-Railways have neither challenged the said finding nor produced any material to dislodge the evidence relied upon by the Tribunal. The only question therefore, survives for consideration is whether the circumstances leading to the death of the deceased fall within the ambit of an "untoward incident" under Section 123(c)(2) read with Section 124-A of the Railways Act or whether the case is excluded by the proviso thereto.

6. The learned Tribunal proceeded on the premise that the deceased ceased to be a passenger immediately upon stepping out of the train. Such an interpretation, in the considered opinion of this Court, defeats both the language and the object of the statute. The contract of carriage between the Railway Administration and the passenger does not terminate merely because the passenger is compelled to alight from the train midway owing to extraordinary circumstances beyond his control. Admittedly, the deceased had not reached his destination. His journey remained incomplete and his status as a passenger continued to subsist. The expression "untoward incident" occurring in Section 123(c) of the Act is required to receive a liberal and purposive interpretation, regard being had to the beneficial nature of the legislation. The Supreme Court in **Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527**, held that provisions contained in Chapter XIII of the Railways Act are welfare provisions and, therefore, deserve liberal construction so as to advance the object of the enactment rather than defeat it. The Court emphasized that where two interpretations are possible, the one advancing the remedy and extending the benefit to the victim ought to be preferred.

6.1 Equally significant is the decision of the Hon'ble Supreme Court in **Jameela and others v. Union of India, (2010) 12 SCC 443**, wherein it was held that even where a passenger negligently stands near the open door of a running train and accidentally falls therefrom, such negligence would not deprive the dependants of statutory compensation. The Supreme Court categorically observed that negligence of the passenger is not one of the exceptions carved out under the proviso to Section 124-A. Furthermore, the legal position was authoritatively reiterated in **Union of India v. Rina Devi, (2019) 3 SCC 572**, wherein the Supreme Court held that compensation under Section 124-A is founded on the principle of strict liability and not fault liability. It was specifically held that death or injury sustained in the course of boarding or disembarking a train would ordinarily constitute an untoward incident and the plea of contributory negligence cannot be imported into proceedings under Section 124-A. The burden squarely lies upon the Railway Administration to establish that the case falls within one of the statutory exceptions.

7. Applying the aforesaid principles to the facts of the present case, the Tribunal committed a patent error in holding that the act of the deceased amounted to a self-inflicted injury. The expression "self-inflicted injury" occurring in clause (b) of the proviso contemplates a deliberate or intentional act resulting in injury to oneself. A passenger who, under a bona fide apprehension that the train has caught fire, jumps out in order to save his life cannot be attributed any intention to cause injury to himself. His conduct is an instinctive act of self-preservation and not self-destruction. To equate such conduct with self-inflicted injury would be wholly inconsistent with the object of the legislation. Likewise, the Tribunal

was not justified in invoking clause (c) relating to "his own criminal act". There is not even a whisper of evidence that the deceased had committed any criminal offence immediately preceding the occurrence. Mere debarking of the train in a state of panic cannot be elevated to the status of a criminal act within the meaning of Section 124-A. The statutory exclusion contemplates situations where death is the direct consequence of an act amounting to an offence in law and not an act prompted by fear for one's safety.

8. The Tribunal also discarded the testimony of AW-2 Tinku, the co-passenger accompanying the deceased, who consistently deposed that panic had erupted in the compartment after a rumour of fire spread amongst the passengers and several persons jumped from the train. His testimony remained substantially unshaken in cross-examination. On the contrary, RW-1, the Loco Pilot of the train which struck the deceased, admittedly had no occasion to witness the events occurring inside the Sachkhand Express. His testimony could only establish the circumstances in which he noticed passengers on the track; it could not disprove the existence of panic inside the train. The Tribunal, therefore, erred in assigning overriding weight to the testimony of RW-1 while ignoring the direct evidence of the co-passenger. Moreover, the Tribunal itself noticed that the train had stopped on account of alarm chain pulling and that a number of passengers had debarked. Once these foundational facts stood established, the surrounding circumstances probalilise the appellants' version that the deceased acted under the compelling belief that remaining inside the compartment posed a threat to his life. Such conduct cannot be judged with the detachment of hindsight. Human reaction to a

perceived emergency is often instinctive, and the law cannot penalise a victim for acting in an attempt to preserve his life.

9. The decision of the Bombay High Court in **Dhaneshwar Rajak and another v. Union of India**, reported as **2023 (4) AIR BomR 577**, though not binding, lends persuasive support to the aforesaid view. In somewhat similar circumstances, where passengers deboarded due to panic arising from smoke and fire inside the train, it was held that the resulting death constituted an untoward incident and did not fall within the exceptions to Section 124-A. Relevant paragraph thereof is reproduced hereunder:-

“19. Learned Counsel for respondent vehemently argued that it is not the case that deceased fall down from the train Secunderabad Express but accident took place when he was standing on the track. However, if Section 124-A is perused there is no condition, as such that the person who fall down from the train in which he was travelling, only can claim compensation, the wording used is "when in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of Railway Administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the Railway Administration shall liable to pay compensation to such accident as may be prescribed. There shall be exception to Section 124-A, where Railway Authorities are not liable to pay if injury is occurred due to suicide or attempted suicide, self-inflicted injury, his own criminal act, any act committed by him in a state of intoxication or insanity, any natural cause or disease or medical or surgical treatment." The Railway is totally failed to establish that the incident is covered by the exception to Section 124-A. There is no case of suicide nor self-inflicted injury or criminal act for which intention is required to commit such act, nor it is claimed that he was under intoxication. As such, the respondent Union of India cannot claim that it was not untoward incident. It is strict liability of the Railway to compensate for such untoward incident.

20. As such, admittedly, deceased was travelling from Bokaro to Secunderabad in a train on the day of incident wherein due to hot excel there was fire and smoke and passengers required to board down from the train. Initial burden is discharged by examining the co-passengers of the deceased that they

were holding valid ticket. As I said earlier the ticket may have lost during the accident, as he was dashed by running train. As such, the order passed by learned Tribunal is liable to be set aside.”

This Court finds itself in respectful agreement with the said reasoning. Viewed from any angle, the respondent-Railways have failed to discharge the burden cast upon them to establish that the case is covered by any of the statutory exceptions contained in the proviso to Section 124-A. The Tribunal, instead of adopting the liberal interpretation mandated by the Supreme Court, imported notions of negligence and fault into a statutory scheme founded upon strict liability. The impugned findings on Issue No.2, therefore, cannot be sustained.

10. Consequently, the judgment dated 14.11.2025 passed by the learned Railway Claims Tribunal, Chandigarh Bench is set aside. The claim petition filed by the appellants is allowed. The appellants shall be entitled to the statutory compensation to the tune of Rs. 8,00,000/-, along with interest @ 6% per annum from the date of filing of the claim petition till realization. The respondent-Railways shall deposit the awarded amount before the Tribunal within a period of eight weeks, where after the Tribunal shall release the same to the appellants in accordance with law. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 17, 2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned: Yes/No
(ii) Whether reportable: Yes/ No