

FAO NO.1301 of 2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1301 of 2021 (O&M)

PHILIPS AND ANR.
Vs
UNION OF INDIA

...Appellants

...Respondent

1	The date when the judgment was reserved	10.07.2026
2	The date when the judgment is pronounced	01.08.2026
3	The date when the judgment is uploaded on the website	01.08.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Upender Prasher, Advocate
 for the appellants.

 Mr. Vansh Chawla, Advocate for
 Mr. Sehaj Sandhawalia, Advocate
 for the respondent-UI.

HARKESH MANUJA, J.

1. The present appeal has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987, assailing the award dated 24.09.2020 passed by the learned Railway Claims Tribunal, Chandigarh Bench, whereby the claim application instituted by the appellants under Section 16 of the Railway Claims Tribunal Act, 1987 seeking statutory compensation on account of the death of Jonathan James in an alleged “untoward incident” was dismissed.
2. The appellants pleaded before the Tribunal that on 02.06.2016, the deceased Jonathan James boarded a train from Amritsar Railway Station for his onward journey to Ludhiana after purchasing a valid railway journey ticket. It was alleged that while the train was crossing Subhanpura Bridge situated between



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Hamira and Dilwana Railway Stations, the deceased accidentally fell from the running train, sustained multiple grievous injuries and succumbed to the same at the spot. According to the appellants, the railway journey ticket was lost in the course of the accident and could not thereafter be recovered.

3. The respondent-Union of India contested the claim by filing a written statement denying that the deceased was a bona fide passenger or that his death occurred in an untoward incident within the meaning of Sections 123(c)(2) and 124-A of the Railways Act, 1989. Reliance was placed upon the Divisional Railway Manager's enquiry report, wherein it was observed that no railway ticket was recovered from the body of the deceased during search and, therefore, his status as a bona fide passenger was doubtful. It was further pleaded that the father of the deceased earlier lodged FIR No.06 dated 17.01.2017 under Section 302 IPC alleging that the deceased was murdered by two persons, thereby rendering the subsequent plea of accidental fall from the train wholly unreliable.

4. Upon consideration of the pleadings, the learned Tribunal framed the following issues:

“(i) Whether the deceased was a bona fide passenger of the train at the time of the alleged occurrence?”

“(ii) Whether the alleged occurrence constituted an "untoward incident" within the meaning of Section 123(c)(2) read with Section 124-A of the Railways Act, 1989?”

“(iii) Whether the applicants were the sole dependants of the deceased?”

“(iv) Relief.”



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5. The learned Tribunal, upon appreciation of the evidence, recorded findings against the appellants on Issues No.1 and 2. It held that the appellants failed to establish that the deceased was travelling with a valid railway ticket and, consequently, failed to prove that he was a bona fide passenger. The Tribunal further held that there was no satisfactory evidence to establish that the deceased fell from a running train. Particular emphasis was laid on the contradictory versions put forth by the father of the deceased. The Tribunal noticed that while the claim petition alleged accidental fall from the train, the father earlier lodged an FIR alleging murder of his son by two individuals. The Tribunal observed that these mutually destructive versions seriously undermined the credibility of the appellants' case. Consequently, it concluded that the appellants failed to prove either that the deceased was a bona fide passenger or that his death resulted from an untoward incident under the Railways Act, and accordingly dismissed the claim petition.

6. Assailing the aforesaid findings, learned counsel appearing for the appellants contended that the Tribunal adopted an unduly technical approach contrary to the beneficial object underlying Section 124-A of the Railways Act. It was argued that the recovery of the dead body adjacent to the railway track coupled with the nature of injuries, the inquest proceedings and the medical evidence unmistakably establish that the deceased died due to accidental fall from a running train. He further submitted that the Tribunal gravely erred in drawing an adverse inference merely because the railway ticket could not be recovered from the body of the deceased, ignoring the specific plea that the ticket was lost during the accident. Learned counsel submitted that the absence of a recovered ticket, by



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itself, cannot be determinative of the issue of bona fide travel, particularly in view of the law laid down by the Supreme Court.

It was further argued that the Tribunal attached undue significance to the earlier FIR registered under Section 302 IPC. According to learned counsel, the said FIR was lodged only on account of suspicion entertained by the bereaved father and was subsequently cancelled after investigation. The criminal proceedings having culminated in cancellation of the FIR, no adverse inference could have been drawn against the appellants. He also submitted that the Tribunal failed to appreciate that suspicion entertained immediately after the incident cannot outweigh the contemporaneous medical evidence and other surrounding circumstances indicating accidental fall from the train.

7. Per contra, learned counsel representing the respondent-Union of India supported the impugned award and submitted that the burden to establish that the deceased was a bona fide passenger as well as a victim of an untoward incident squarely rested upon the claimants. It was argued that neither any journey ticket nor any independent evidence regarding the deceased boarding the train was produced. He further submitted that the contradictory stands adopted by the father of the deceased regarding the manner of death completely demolish the appellants' version. According to the respondent, the findings recorded by the Tribunal were based upon proper appreciation of evidence and called for no interference in appeal.

8. I have heard learned counsel for the parties and gone through the records.



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9. The controversy involved in the present appeal essentially revolves around two questions, namely, whether the deceased was a bona fide passenger and whether his death occurred in an "untoward incident" within the meaning of Sections 123(c)(2) and 124-A of the Railways Act, 1989. Since the finding on the first issue forms the very foundation for adjudication of the claim, the same deserves consideration at the outset.

9.1 The learned Tribunal discarded the claim primarily on the premise that no railway journey ticket was recovered from the person of the deceased and, therefore, his status as a bona fide passenger remained unproved. This Court is unable to subscribe to the said approach. It is now well settled that proceedings under Section 124-A of the Railways Act are beneficial in nature and are governed by the principle of strict liability. The object of the legislation is to provide expeditious statutory compensation to victims of railway accidents and, therefore, the provisions deserve liberal construction so as to advance the object sought to be achieved rather than defeat it by adopting a hyper-technical approach.

9.2 The legal position stands authoritatively settled by the Supreme Court in ***Union of India v. Rina Devi, (2019) 3 SCC 572***, wherein it was held that mere absence or non-recovery of a railway ticket from the body of the deceased cannot, by itself, lead to the conclusion that the victim was not a bona fide passenger. The Supreme Court observed that the initial burden upon the claimants is only to place before the Tribunal the relevant facts by way of affidavit or other acceptable evidence. Once such foundational facts are established, the burden shifts upon the Railway Administration to rebut the statutory presumption by producing cogent evidence showing that the victim was either travelling without authority or was not



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travelling in the train at all. Similarly, in *Jameela v. Union of India, (2010) 12 SCC 443*, the Supreme Court held that merely because a railway ticket could not be recovered from the body of the deceased would not justify rejection of the claim where surrounding circumstances otherwise indicate that the victim was travelling by train. The Court emphasized that accidental fall from a train may itself result in loss or destruction of the journey ticket and, therefore, non-recovery thereof cannot be treated as conclusive proof against the claimants. The same principle was reiterated in *Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527*, wherein it was held that the expression "untoward incident" is required to receive a liberal interpretation consistent with the beneficial object of the legislation and technical objections should not ordinarily defeat legitimate claims.

9.3 Examining the facts of the present case in the light of the aforesaid legal principles, this Court finds that the appellants had specifically pleaded from the very inception that the deceased had purchased a valid railway ticket which was lost when he accidentally fell from the moving train. Such plea was neither inherently improbable nor contrary to ordinary human conduct. A person sustaining fatal injuries after falling from a running train can reasonably be expected to lose articles carried by him. Therefore, mere non-recovery of the ticket cannot, in the peculiar facts of the present case, justify an adverse inference. Significantly, the respondent-Railway did not produce any material to affirmatively establish that the deceased was travelling without authority. Neither the concerned Ticket Examiner nor any railway official travelling in the train was examined to depose that the deceased was found travelling without a valid ticket. Likewise, the DRM enquiry report merely records that no ticket was recovered from the body of the deceased. The report is conspicuously silent as to whether any

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enquiry was conducted from the Ticket Examiner, Guard, Driver or any co-passenger regarding the deceased having travelled without ticket.

9.4 Equally significant is the fact that the DRM enquiry does not disclose any investigation undertaken to ascertain whether any ticket fragments or belongings of the deceased were searched for at the place of occurrence. The Tribunal overlooked this vital omission and proceeded to draw an adverse inference solely against the claimants, although the burden had shifted upon the Railway Administration to produce convincing evidence rebutting the appellants' version. The Railway Passenger (Manner of Investigation of Untoward Incidents) Rules, 2003 cast a statutory obligation upon the Railway Protection Force to conduct a prompt and meaningful investigation into every untoward incident. The object of such investigation is not merely to ascertain the identity of the victim but also to collect all relevant evidence concerning the manner of occurrence, including recovery of belongings, examination of witnesses and verification of the travel status of the victim. In the present case, no material has been produced to demonstrate that such investigation was conducted in its true spirit. The enquiry appears to have been confined substantially to recording that no ticket was recovered from the body, without making any serious effort to verify the travel of the deceased through independent sources. Accordingly, the finding recorded by the learned Tribunal on Issue No.1 holding that the deceased was not a bona fide passenger solely on account of non-recovery of the railway ticket cannot be sustained and deserves to be set aside.

10. The next question is whether the death of Jonathan James resulted from an "untoward incident" within the meaning of Sections 123(c)(2) and 124-A



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of the Railways Act, 1989. The learned Tribunal rejected the claim mainly on the ground that the father of the deceased had taken inconsistent stands regarding the cause of death by initially lodging an FIR under Section 302 IPC alleging murder and subsequently asserting that the deceased had died due to an accidental fall from a train.

In the opinion of this Court, the said reasoning is unsustainable. It is undisputed that the FIR alleging murder was ultimately cancelled after investigation and the cancellation report was accepted by the competent criminal Court. Once the allegations of murder were found to be unsubstantiated, the Tribunal ought not to have continued to rely upon the initial suspicion of the father while ignoring the final outcome of the investigation. Moreover, the report of the death specifically records that the injuries sustained by the deceased were the result of a fall from the train, which lends further support to the case of an accidental railway incident. Significantly, the respondent has not produced any evidence to establish that the deceased died due to any cause other than a railway accident. The dead body was recovered adjacent to the railway track and the medical evidence shows multiple injuries consistent with a fall from a moving train. The DRM report also does not conclusively rule out accidental fall; rather, it proceeds primarily on the basis of non-recovery of the railway ticket.

10.1 It is well settled that proceedings under the Railways Act are decided on the principle of preponderance of probabilities. In *Prabhakaran Vijaya Kumar's case (supra)* and *Jameela's case (supra)*, the Supreme Court held that the provisions of Sections 123(c) and 124-A deserve a liberal interpretation and that compensation cannot be denied on mere conjectures. Further, in *Rina Devi's*



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case (supra), it was reiterated that once the claimant discharges the initial burden, the onus shifts to the Railway Administration to rebut the claim by cogent evidence.

10.2 In the present case, the Railway Administration has failed to establish either that the deceased was not travelling by train or that his death falls within any of the exceptions contained in the proviso to Section 124-A of the Act. The Tribunal, therefore, erred in discarding the claim on the basis of conjectures and isolated inconsistencies while ignoring the surrounding circumstances and the beneficial object of the legislation. Accordingly, this Court holds that the appellants have established, on the touchstone of preponderance of probabilities, that the deceased died in an "untoward incident" as defined under Section 123(c)(2) read with Section 124-A of the Railways Act. The findings recorded by the learned Tribunal on Issue No.2 are, therefore, liable to be set aside.

11. In view of the findings recorded hereinabove, this Court is of the considered opinion that the learned Railway Claims Tribunal committed a manifest error in dismissing the claim petition. The appellants have successfully established that the deceased was a bona fide passenger and that his death occurred in an "untoward incident" within the meaning of Sections 123(c)(2) and 124-A of the Railways Act, 1989. Consequently, the impugned award dated 24.09.2020 cannot be sustained and is liable to be set aside. The only surviving question relates to the quantum of compensation.

12. The accident in the present case occurred on 02.06.2016, whereas the claim petition came to be decided by the Tribunal on 24.09.2020. The Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 were amended

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with effect from 01.01.2017 enhancing the statutory compensation payable in cases of death from ₹4,00,000/- to ₹8,00,000/-. The Hon'ble Supreme Court in *Union of India v. Radha Yadav, (2019) 3 SCC 410*, has authoritatively held that where the adjudication of the claim takes place after the amended Rules came into force, the claimants would be entitled to the enhanced compensation of ₹8,00,000/-.

13. The appellants shall also be entitled to interest @ **9% per annum** from the date of filing of the claim petition till the date of actual realization. However, if the awarded amount is not released within a period of **eight weeks** from the date of receipt of a certified copy of this judgment, the same shall thereafter carry interest @ **12% per annum** till its realization.

Consequently, the present appeal is **allowed**. The award dated 24.09.2020 passed by the learned Railway Claims Tribunal, Chandigarh Bench, is hereby **set aside**. The respondent-Union of India is directed to deposit the awarded amount along with accrued interest before the Railway Claims Tribunal within a period of **eight weeks**.

14. Upon deposit, the Tribunal shall release the compensation to the appellants, being the legal representatives/dependants of the deceased, in accordance with law after due verification of their identity and entitlement.

15. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 01, 2026
Atik

(HARKESH MANUJA)
JUDGE

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