



2026:AHC-LKO:20763

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 285 of 2017

Union Of India Thru. Gen.Manager Northern
Railway New Delhi

.....Appellant(s)

Versus

Sunita Devi And Anr.

.....Respondent(s)

Counsel for Appellant(s)	: Alok Sharma, Balbir Singh, Smt. Suman Lata Singh
Counsel for Respondent(s)	: Pradeep Kumar Singh, Amrita Singh, Poonam Shukla

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. Heard Mr. Balbir Singh, learned counsel for the appellant and Smt. Amrita Singh, learned counsel for the respondents and perused the record.
2. The instant appeal has been preferred against the judgment and award dated 16.12.2016 passed by the Railway Claims Tribunal, Lucknow in Case No.OA/II/U/157/09 (Smt. Sunita Devi and others vs. Union of India), whereby compensation of Rs.4,00,000/- along with interest has been awarded in favour of the claimants-respondents.
3. The brief facts of the case are that Smt. Rajni Yadav was travelling by Sealdah Express from Hardoi to Moradabad on 02.07.2008. During the journey, she accidentally fell off from the train and sustained serious injuries and died on the spot. She claims that she was holding a valid ticket and the same appears to have been lost in the incident. The family members of the deceased filed a claim petition before the Railway Claims Tribunal, Lucknow. After considering the evidence, the Tribunal concluded that the deceased was a bona fide passenger and that her death resulted from injuries sustained due to falling from the train. The Tribunal further held that the incident fell within the ambit of an "untoward incident" as defined under Section 123(c)(2) read with Section 124-A of the Railways Act, 1989. Accordingly, compensation of Rs. 4,00,000/- was awarded as per Part I of the Schedule to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 which was amended in 1997, along with

interest at the rate of 6% per annum, vide order dated 16.12.2016. The said order has been challenged by the appellants by means of the instant appeal.

4. Learned counsel for the appellants submits that the body was found lying between the railway tracks and that no valid ticket was recovered. No other arguments were advanced on behalf of the appellant.

5. *Per contra*, learned counsel for the respondents submits that A.W.-2 was examined before the Tribunal, who deposed that the railway ticket had been purchased in his presence and that the deceased had boarded the train. It is contended that the ticket was lost during the course of the accident. To buttress her argument, she places reliance on the judgment passed by Hon'ble Supreme Court in the matter of ***Union of India vs. Rina Devi*** reported in **[AIR 2018 SC 2362]**, wherein it has been held that once the claimant discharges the initial burden by filing the claim petition and leading evidence, the passenger is presumed to be a bona fide passenger, even in the absence of a ticket, which may have been lost in the accident. It is further submitted that no statutory investigation was conducted by the appellant in the present case.

6. Heard learned counsel for the parties and perused the record.

7. The argument of the appellant that the body was found between the tracks without a valid ticket does not hold merit. It is evident that the deceased had boarded the Sealdah Express and was travelling from Hardoi to Moradabad. During the course of the journey, she fell off the train and sustained serious injuries and succumbed to death. The mere loss of the ticket or the location where the body was found cannot be a ground to deny that the deceased was a bona fide passenger. The Hon'ble Supreme Court in the matter of ***Union of India v. Prabhakaran Vijaya Kumar*** reported in **[(2008) 9 SCC 527]** has clearly held as follows:

"12. It is well settled that if the words used in a beneficial or welfare statute are capable of two constructions, the one which is more in consonance with the object of the Act and for the benefit of the person for whom the Act was made should be preferred. In other words, beneficial or welfare statutes should be given a liberal and not literal or strict interpretation vide Alembic Chemical Works Co. Ltd. v. Workmen [AIR 1961 SC 647] (AIR para 7), Jeewanlal Ltd. v. Appellate Authority [AIR 1984 SC

1842] (AIR para 11), *Lalappa Lingappa v. Laxmi Vishnu Textile Mills Ltd.* [AIR 1981 SC 852] (AIR para 13), *S.M. Nilajkar v. Telecom District Manager* [(2003) 4 SCC 27 (SCC para 12)].

14. In our opinion, if we adopt a restrictive meaning to the expression "accidental falling of a passenger from a train carrying passengers" in Section 123(c) of the Railways Act, we will be depriving a large number of railway passengers from getting compensation in railway accidents. It is well known that in our country there are crores of people who travel by railway trains since everybody cannot afford travelling by air or in a private car. By giving a restrictive and narrow meaning to the expression we will be depriving a large number of victims of train accidents (particularly poor and middle class people) from getting compensation under the Railways Act. Hence, in our opinion, the expression "accidental falling of a passenger from a train carrying passengers" includes accidents when a bona fide passenger i.e. a passenger travelling with a valid ticket or pass is trying to enter into a railway train and falls down during the process. In other words, a purposive, and not literal interpretation should be given to the expression.

15. Section 2(29) of the Railways Act defines "passenger" to mean a person travelling with a valid pass or ticket. Section 123(c) of the Railways Act defines "untoward incident" to include the accidental falling of any passenger from a train carrying passengers. Section 124-A of the Railways Act with which we are concerned states:

"124-A. Compensation on account of untoward incidents .—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 the 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, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that

extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the Railway Administration if the passenger dies or suffers injury due to—

(a) suicide or attempted suicide by him;

(b) self-inflicted injury;

(c) his own criminal act;

(d) any act committed by him in a state of intoxication or insanity;

(e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation.—For the purposes of this section, 'passenger' includes—

(i) a railway servant on duty; and

(ii) a person who has purchased a valid ticket for travelling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident."

(emphasis supplied)"

8. In view of the law laid down by the Hon'ble Supreme Court, it is clear that the death of Smt. Rajni Yadav is squarely covered under the definition of an "untoward incident" under Section 123(c)(2) read with Section 124-A of the Railways Act, 1989. Accordingly, the Tribunal rightly awarded compensation. The present appeal sans merit and is, therefore, **dismissed**.

9. Let the record be returned to the court concerned along with a copy of this judgment for necessary compliance. The statutory amount deposited, if any, shall be remitted back to the learned Tribunal for adjustment.

March 23, 2026
Saurabh Yadav/-

(Prashant Kumar,J.)