



2026:AHC-LKO:20169

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 791 of 2018

Union Of India Throu.General Manager Northern
Railway

.....Appellant(s)

Versus

Devideen Gautam And Another

.....Respondent(s)

Counsel for Appellant(s) : Chandra Shekhar Sinha, Raj Kumar Singh

Counsel for Respondent(s) :

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. Heard Shri Raj Kumar Singh, learned counsel for the appellant and perused the record.
2. The instant appeal has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment and order dated 14.09.2018 passed by the Railway Claims Tribunal, Lucknow Bench, Lucknow (hereinafter referred to as 'Tribunal') in Case No.OA/II/U/257/11, whereby compensation of Rs.8,00,000/- along with interest has been awarded in favour of the claimants-respondents.
3. The brief facts of the case are that on 22/23.06.2010, one Bhupendra was travelling from Lucknow to Rahimabad by the Lucknow–Saharanpur Up Passenger Train having a second class valid ticket. Due to excessive crowd and a sudden jerk, he fell from the train, sustained serious injuries and subsequently succumbed to the same. Thereafter, the family members of the deceased filed a claim petition before the Tribunal.
4. The Tribunal after hearing parties and perusing documentary evidence framed following issues:

"1. Whether the deceased was a bonafide passenger of the train in question?

2 Whether incident of death of the deceased falls under the

ambit of an untoward incident as defined U/s 123(c)(2) read with Section 124-A of the Railways Act, 1989?

3. Who are the dependants of the deceased?

4. To what Relief?"

5. The Tribunal after hearing parties and perusing documentary evidence came to the conclusion that the evidence of A.W.-2 and A.W.-3 clearly shows that the deceased had bought ticket and had boarded the train. The Tribunal held that looking into the injuries it is quite possible, the ticket may have been lost. The inquest report clearly shows that the deceased had died because of falling from a train. The inquest report corroborates the postmortem report and G.D. entry. In the statutory investigation report, it has only been stated that there was no mention in the station diary about the death. Nothing has been placed on record to show that the deceased had died because of the self inflicted injuries. Accordingly the Tribunal granted a compensation of Rs.8,00,000/- to the claimants vide impugned order.

6. This order has been assailed by means of the instant appeal.

7. Shri Raj Kumar Singh, learned counsel for the appellant submits that there was no recovery of ticket from the body of the deceased. Hence, it can not be said that the deceased was a bonafide passenger. No other argument was raised by learned counsel for the appellant.

8. Heard learned counsel for the appellant and perused the record.

9. It is evident that in this case, the deceased Bhupendra was travelling from Lucknow to Rahimabad in Lucknow Saharanpur Up Passenger Train having second class ticket. However, due to excessive crowd and a sudden jerk, he fell down from the train and got seriously injured and subsequently succumbed to the same. Thereafter family members of the deceased filed a claim petition before the Tribunal. The Tribunal after perusing all the documents and evidence led by the parties came to the conclusion that the claim petition is a valid claim petition and allowed the same by granting a compensation of Rs.8,00,000/- by means of the impugned order. Hon'ble Supreme Court in the matter of **Union of India**

v. Rina Devi; (2019) 3 SCC 572 has clearly held that mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger.

10. In view of the aforesaid law laid down by Hon'ble Supreme Court, mere absence of a ticket with an injured or deceased passenger cannot be a ground to negate the claim of the claimants. It has been consistently held that the provisions for compensation under the Railways Act are beneficial in nature and are intended to provide relief to the victims or their families. Consequently, even if a ticket is not physically recovered from the deceased, the claim cannot be rejected solely on that ground, particularly when there is credible evidence to show that the deceased had boarded the train as a bona fide passenger.

11. In view of the aforesaid facts and circumstances, the impugned judgment and award passed by the Tribunal are well-reasoned and this Court does not find any illegality or impropriety in the impugned order.

12. The instant appeal *sans* merit and is accordingly **dismissed**.

13. The Office is directed to forthwith return the lower court record, along with a certified copy of this order, to the court concerned.

(Prashant Kumar,J.)

March 19, 2026

Anupam S/-