



2026:AHC-LKO:20543

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 107 of 2022

U.O.I. Thru. General Manager Northern Railway
New Delhi

.....Appellant(s)

Versus

Smt. Subub Tara And Ors.

.....Respondent(s)

Counsel for Appellant(s) : Arun Kumar Verma, Harsha Yadav
Counsel for Respondent(s) :

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. Heard Ms. Harsha Yadav, learned counsel for the appellant and perused the record.
2. None appears on behalf of the respondent despite service of notice.
3. The present First Appeal From Order has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the judgment and order dated 26.03.2021 passed in Review Application No. Rev./A/53/18 arising out of Case No. OA/II/U/898/2011 as well as judgment/award dated 22.12.2017 passed in Case No. OA/II/U/898/2011 (Smt. Subub Tara Vs. Union of India) by the Railway Claims Tribunal, Lucknow Bench, Lucknow.
4. The factual matrix of the matter is that on 21/22.09.2011, the deceased, Abdul Gani while he was travelling from Lucknow to Varanasi by Express Train accidentally fell down near Mohanlalganj Railway Station and sustained serious injuries and subsequently died.
5. Thereafter, the family members of the deceased filed a claim petition before the Railway Claims Tribunal, Lucknow on 17.10.2011. The Tribunal after perusing the pleadings and hearing the counsel for the parties framed the 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. *Whether the applicant is only dependent of the deceased?*

4. *To what Relief ?"*

6. The Tribunal after considering all the materials available on record had recorded a finding that the deceased was a bona fide passenger holding a valid ticket. It further recorded that the death was caused due to fall from the train and the incident clearly fell within the ambit of Section 123(c)(ii) of the Railways Act, 1989. Accordingly, the Tribunal had awarded a compensation of Rs.8,00,000/- along with interest vide judgment and order dated 22.12.2017.

7. Thereafter, the appellant filed a review petition and the said review petition was dismissed vide order dated 26.03.2021.

8. Both the aforesaid orders have been assailed by means of instant appeal.

9. Learned counsel for the appellant submits that the compensation awarded by the Tribunal is not correct and has to be modified. She further submits that the applicability of the amended Rules was considered by the Hon'ble Supreme Court in the matter of ***Union of India vs. Rina Devi reported in [2019 (3) SCC 572]***, decided on 09.05.2018, wherein the Hon'ble Supreme Court has held as under:-

"15.4 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 (supra) and Kalandi Charan Sahoo (supra) stands explained accordingly. The 4-Judge Bench judgment in Pratap Narain Singh Deo (supra) holds the field on the subject 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."

10. She submits that the ratio of **Rina Devi** (supra) has also been followed in the judgments passed by the Hon'ble Supreme Court in the matters of **Union of India vs. Radha Yadav** ; Special Leave Petition (Civil) Nos.28032-28033 of 2018, **Union of India vs. Dilip and others** reported in [(2024) 11 SCC 415], **Kamukayi & ors. vs. Union of India and ors.** ; Special Leave Petition (Civil) No.17062/2022 and **Doli Rani Saha vs. Union of India** reported in [2024 INSC 603].

11. She further placed reliance on the judgment of the Hon'ble Supreme Court in the matter of **Union of India vs. Radha Yadav** (supra) wherein the Supreme Court has held as under:-

"10. The issue raised in the matter does not really require any elaboration as in our view, the judgment of this Court in the case of Rina Devi is very clear. What this Court has laid down is that the amount of compensation payable on the date of accident with reasonable rate of interest shall first be calculated. If the amount so calculated is less than the amount prescribed as on the date of the award, the claimant would be entitled to higher of these two amounts. Therefore, if the liability had arisen before the amendment was brought in, the basic figure would be as per the Schedule as was in existence before the amendment and on such basic figure reasonable rate of interest would be calculated. If there be any difference between the amount so calculated and the amount prescribed in the Schedule as on the date of the award, the higher of two figures would be the measure of compensation. For instance, in case of a death in an accident which occurred before amendment, the basic figure would be Rs.4,00,000/-. If, after applying reasonable rate of interest, the final figure were to be less than Rs.8,00,000/-, which was brought in by way of amendment, the claimant would be entitled to Rs.8,00,000/-. If, however, the amount of original compensation with rate of interest were to exceed the sum of Rs.8,00,000/- the compensation would be in terms of figure in excess of Rs.8,00,000/-. The idea is to afford the benefit of the amendment, to the extent possible. Thus, according to us, the matter is crystal clear. The issue does not need any further clarification or elaboration."

12. She further placed reliance on another judgment passed by Hon'ble Supreme Court in the matter of **Kamukayi** (supra) wherein the Supreme Court has held as under:-

"23. Accordingly and as per above discussion we allow this appeal and set aside the impugned judgment dated 26.03.2021 passed by the High Court and also the Claims Tribunal dated 29.06.2017. Consequently, claim application is allowed. The appellants are held entitled for compensation to the tune of Rs. 4,00,000/- along with interest @ 7% p.a. from the date of filing the claim application till its realisation. It is made clear that after applying the rate of interest, if the final figure is less than Rs. 8,00,000/-, then appellants shall be entitled to Rs. 8,00,000/-. The amount of compensation be satisfied by the respondents within a period of eight weeks. No order as to costs."

13. She further submits that the Hon'ble Supreme Court in the latest judgment passed on 08.10.2025 in the matter of ***Rajni and another vs. Union of India and another*** ; Special Leave Petition (C) No.19549 of 2024 has been held that :-

"16. In the light of the foregoing discussion, we are of the considered view that the findings of the Railway Claims Tribunal and the High Court would not be sustainable and would warrant our interference. Hence, the Judgment dated 16.01.2023 passed by the Railway Claims Tribunal Bhopal Bench in Case No. OA-IIU/BPL/96/2019 and the Order dated 15.05.2024 passed by the High Court of Madhya Pradesh at Jabalpur in Miscellaneous Appeal No.3451 of 2023 are hereby set aside and the claim petition is allowed in part and the Respondents are directed to pay a compensation of Rs.8,00,000/- (Rupees Eight Lakhs) to the appellants-applicant within 8 (eight) weeks from the date of this Order, failing which the amount awarded by this Court shall carry interest at the rate of 6% per annum from the date of Order of this Court till payment. Pending applications, if any, stands disposed of."

Analysis

14. Before proceeding in the matter, the court would like to delve into the provisions of the Act. In exercise of power conferred under Section 129 of the Railways Act, 1989 the Railway Accident Untoward Incident (Compensation) Rules, 1990 were framed wherein Schedule lays down as follows:-

"Amount of compensation payable in respect of death and injuries

PART I

Amount of compensation (in rupees)

For death 4,00,000".

15. Subsequently, the Rules were amended by means of GSR 1165 (e) dated 22.12.2016 which came into effect on 01.01.2017 wherein the compensation was increased from Rs.4,00,000/- to Rs.8,00,000/- now the schedule read as follows:-

"Amount of compensation payable in respect of death and injuries

PART I

Amount of compensation (in rupees)

For death 8,00,000"

16. It is clear that the deceased, Abdul Gani died on 22.09.2011, while travelling from Lucknow to Varanasi by Express Train when he fell down at Mohanlalganj Railway Station. The claim petition was preferred on 19.10.2011 and at that point of time, as per the Rules of 2011, a claim of Rs.4,00,000/- ought to have been awarded however, there was an amendment in the year 2016 which came into effect on 30.12.2016 wherein an amendment was carried out and the amount of compensation was increased to Rs.8,00,000/- w.e.f. 01.01.2017. The decision in this case was passed on 22.12.2017, and therefore, the ratio laid down by Apex Court in ***Rina Devi*** (supra) would be applicable.

17. Accordingly, the compensation awarded by the Tribunal vide impugned order dated 22.12.2017 is modified to the extent that a compensation of Rs.4,00,000/- is granted to claimants from the date of filing of the claim petition i.e. 17.10.2011 till 31.12.2016 along with interest @ 7% and thereafter, from 01.01.2017 till the date of actual payment, compensation amount is Rs.8,00,000/- along with interest of 7%. It is made clear that if the amount so calculated is less than the amount prescribed as on the date of award of the Tribunal, the claimants would be entitled to higher of the two amounts as per the ratio laid down by Hon'ble Apex Court in the matter of ***Rina Devi (supra)***. The payment shall be made within a period of six weeks from today.

18. With the aforesaid observations and directions, instant appeal is allowed.

March 19, 2026

Arjun/-

(Prashant Kumar,J.)