



2026:DHC:1520



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 05.02.2026  
Pronounced on : 20.02.2026  
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**FAO 271/2025**

BASANT KUMAR SINGH & ANR .....Appellant  
Through: Mr. Rajan Sood, Ms. Ashima Sood  
and Ms. Megha Sood, Advocates

versus

UNION OF INDIA .....Respondent  
Through: Mr. P.S. Singh (CGSC), Mr. M.K.  
Singh and Ms. Shivangi Sharma

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT**

1. The present appeal has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 10.06.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in OA/II(U)/DLI/149/2024, whereby the claim application preferred by the appellants was dismissed.
2. The claim before the Tribunal arose out of the death of the appellants' son (hereinafter referred to as "the deceased"), who was stated to have met with an accidental fall from a passenger train on 12.02.2024 between *Anand Vihar* Terminal and *Sahibabad* Jn. Railway station.



3. It was the case of the appellants before the Tribunal that on 12.02.2024, the deceased, had purchased a journey ticket bearing No. AAB 05972362 for undertaking a journey from *Anand Vihar* to *Patna*. He was travelling to *Patna* Junction from *Anand Vihar* Terminal by *Jan Sadharan* Express (*Anand Vihar* Terminal- *Danapur*), Train No. 13258. Due to heavy crowd in the compartment, he was standing near the gate of the coach. It was somewhere between *Anand Vihar* Terminal and *Sahibabad Junction* Railway Station, he was pushed by the crowd due to a sudden jerk and accidentally fell from the running train. As a result of the fall, he sustained serious injuries and succumbed to the same at the spot.

4. The Tribunal held that the applicants had failed to establish that the deceased was a *bona fide* passenger or that the incident constituted an “untoward incident” under Section 123(c) of the Railways Act, 1989 (hereinafter as the “Act”).

5. Learned counsel for the appellants contended that the deceased was a *bona fide* passenger, travelling on a valid journey ticket, and that his death was caused due to an accidental fall from a train, constituting an “untoward accident” within the meaning of Section 123(c) of the Act. It was further contended that the ticket was produced and verified, and, that AW-2’s presence and statement narration stood corroborated by the Call Detail Records (CDR) and the employer’s statement.

6. *Per contra*, learned counsel for the respondent opposed the claim on two principal grounds. Firstly, it was contended that no valid railway ticket



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was recovered during the *jamatalashi* of the deceased. Secondly, it was submitted that the body was found approximately 16 meters away from the DN line on which the train was travelling, thereby rendering the alleged fall improbable.

7. I have heard the learned counsel for the parties and perused through the record.

8. The ticket bearing No. AAB05972362, though not recovered during the *jamatalashi* proceedings, was subsequently produced during the course of investigation and subjected to verification in the DRM inquiry. The railway authorities confirmed the authenticity and validity of the said ticket. The DRM report concludes, on the basis of the evidence and statements of witnesses, that the deceased was a *bona fide* passenger travelling in the train, though he was standing near the door of the compartment. It also notes that the Guard or Loco Pilot of the train concerned had no knowledge of the incident. It further notes that the occurrence was due to his own negligence and that the railway administration was not responsible for the accident

9. AW-2, Mr. *Anwar Alam* deposed that he had assisted the deceased in purchasing the ticket from the ATVM machine at *Anand Vihar* Terminal and that both of them together boarded Train No. 13258. He further deposed that owing to heavy crowd in the compartment, the deceased was compelled to stand near the door, and after the incident, he checked the bag of the deceased and informed the employer using the contact details available in the ID card. Though, the Tribunal questioned AW-2 on the ground that he did



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not immediately inform the railway authorities and noted certain inconsistencies regarding the handing over of the bag at *Patna*, a careful reading of his testimony shows that his statement regarding the purchase of ticket, boarding of the train, accidental fall of the deceased and telephonic intimation to the employer remained consistent. Significantly, the Call Detail Records (CDR) corroborates that a call was made by AW-2 to the employer of the deceased at around 13:00 hours on the date of occurrence, and the employer's statement confirms receipt of such call and information regarding the accident. This contemporaneous communication lends credibility to AW-2's presence and knowledge of the incident, particularly when the respondent has not produced any material to demonstrate that AW-2 was related to the appellants or had any motive to falsely implicate the Railways.

10. The legal position in this regard stands authoritatively settled by the Supreme Court in *Union of India v. Rina Devi*<sup>1</sup>, wherein it was held that mere absence of ticket with the deceased does not negate the claim of *bona fide* travel, and once the claimant discharges the initial burden by affidavit and attending circumstances, the burden shifts to the Railways. Therefore, the dismissal of the claim in the present case cannot be said to be based on any finding that the ticket was invalid; rather, it substantially relies on the fact that the ticket was not recovered during *jamatalashi*. By the aforesaid evidence on record, particularly the subsequent production of the journey

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<sup>1</sup> (2019) 3 SCC 572



ticket and its verification, the appellants have discharged the initial burden cast upon them.

11. It is noted that the post-mortem report records multiple lacerated wounds as well as crush injuries on the body of the deceased. Further, the Tribunal's reasoning that the recovery of the body was approximately 16 meters away from the DN line renders an accidental fall "impossible" is not supported by any cogent evidence, the mere location of the body away from the track on which the deceased was travelling cannot conclusively negate the occurrence of an accidental fall, particularly in view of the nature of injuries sustained by the deceased. In this regard, reliance is placed on the decision of this Court As held in Union of India v. Leela Devi<sup>2</sup> wherein it is held as under:

*“The recovery of dead body from the UP line and not from the On line, whereon the deceased was stated to have been travelling in a train, cannot be the only ground of rejection of this application in absence of any specific and cogent evidence from the side of the respondent in rebuttal. In all probability, it appears that the deceased must have fallen down from the train, in which, he was travelling and may have get rolled over near or on to the Up tracks and consequently might have got run over by another train coming from the opposite direction. This position is further strengthened by the fact that his body was found without clothes and with crush injuries of lower abdomen, pelvis and upper bilateral thighs, resulting in complete transaction of the body with crushing and laceration of underlying soft tissues, bones, muscles, vessels with loop of intestines exposed to exterior. Such injuries are also suggestive of his getting run over from another train. In support of this observation, a ruling of the Hon'ble Punjab and Haryana High Court reported in 2011 ACJ 1841 (FAO No. 1530 of 2010 (O&M), U.O.I v. Sarla is cited, which fully supports the case of the applicant. Moreover, the respondent Railway has not taken any plea seeking exemption*

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<sup>2</sup> 2014 SCC OnLine Del 1440



*under (a) to (e) of the proviso to Section 124-A of the Railways Act, 1989. They have also not produced any evidence to this effect in support of their case.”*

12. The post-mortem report records multiple injuries, and that the Tribunal erred in drawing its own medical conclusions regarding the nature of injuries that the same indicate a hit by train and not fall from a train. No Loco Pilot or Guard has testified to having run over a person, in fact, the DRM report states that the body was lying on the railway tracks. The said material does not rule out the possibility that the deceased, after accidentally falling from the train in which he was travelling, may have come onto or near the adjoining track. No cogent evidence has been brought on record by the respondent to establish otherwise.

13. This Court, therefore, observes that Tribunal cannot insist upon a rigid sequence of fall and consequence. The absence of a ‘precise sequence’ does not negate the occurrence of an untoward incident. The Tribunal appears to have adopted a hyper-technical approach in rejecting the claim on the basis of minor inconsistencies and speculative inferences regarding distance. In Union of India v. Leela Devi (*supra*), this Court has held that hyper-technical approaches and speculative inferences have no place in adjudication of claims under the Act.

14. Further, the absence of recovery of a journey ticket from the body of the deceased cannot, by itself, negate *bona fide* passenger status, particularly where there is testimony of purchase of the ticket and boarding of the train. In the present case, the journey ticket was subsequently produced and its



authenticity was verified. Accordingly, the finding that the deceased was neither a *bona fide* passenger nor a victim of an untoward incident is not supported by a complete appreciation of the evidentiary record. In the absence of strict proof of any exception under Section 124-A of the Act, the case falls within the ambit of an “untoward incident”.

15. It is trite law that the provisions pertaining to compensation under the Railways Act, 1989 constitute beneficial legislation and must, therefore, receive a liberal, purposive, and pragmatic interpretation rather than a narrow or hyper-technical one. Where an accident does not fall within any of the exceptions enumerated in clauses (a) to (e) of the proviso to Section 124-A, the claim is governed by the main body of Section 124-A. The liability under Section 124-A is one of strict or no-fault liability, and once the occurrence of an “untoward incident” within the meaning of the Act is established, the question as to who was at fault becomes wholly irrelevant (Ref: *Union of India v. Prabhakaran Vijaya Kumar*<sup>3</sup>). The respondent has failed to discharge the burden of establishing the applicability of any exception under Section 124-A of the Act. The Tribunal, therefore, erred in denying compensation by adopting a technical and speculative approach, contrary to the settled position of law governing claims arising out of untoward railway incidents.

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<sup>3</sup> (2008) 9 SCC 527



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16. This Court is therefore of the considered view that the deceased was travelling as a *bona fide* passenger and that his death occurred in an untoward incident within the meaning of Section 123(c)(2) of the Act.

17. In view of the above, the impugned judgment is set aside and this Court is of the considered opinion that the findings recorded by the Tribunal are based on conjectures and surmises and are contrary to the settled legal position which overlook the beneficial object of the Act.

18. Accordingly, the matter is remanded back to the Tribunal. The Tribunal is requested to assess the compensation amount and direct the authorities to disburse the same within a period of 2 months. For this purpose, the matter be listed before the Tribunal at the first instance on 28.02.2026.

19. The present appeal is allowed and disposed of in the above terms.

20. A copy of this judgment be communicated to the concerned Tribunal.

**MANOJ KUMAR OHRI, J**

**FEBRUARY 20, 2026**

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