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

% Reserved on : 21.01.2026
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\+ **FAO 368/2014**

SARJEET SINGH .....Appellant
Through: Mr. Yogesh Swaroop and Mr. Kunal Sharma, Advocates.

versus

UNION OF INDIA .....Respondent
Through: Mr. Ankit Raj, SPC for UOI with Mr. Ali Mohammed Khan and Mr. Dig Vijay Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the judgment dated 21.05.2014 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter as the "Tribunal") in OA (IIu) No. 328/2011, whereby the claim application preferred by the appellant was dismissed.

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2. The claim before the Tribunal arose out of the death of the appellant's son (hereinafter referred to as "the deceased"), who was stated to have met with an accidental fall from a passenger train on 24.03.2011 near Shahdara Railway Station.

3. It was the case of the appellant before the Tribunal that the deceased's brother-in-law had purchased a valid journey ticket from *Shahdara* Railway Station to *Khakra* Railway Station and handed over the same to the deceased. It was alleged that while travelling in a passenger train on 24.03.2011, and upon the train reaching KM Nos. 4/6 and 4/7 near *Safed Mandir, Shakti Garden, Delhi*, the deceased, due to heavy rush inside the compartment and a sudden jerk, was pushed by the crowd and accidentally fell from the running train. As a result of the fall, he sustained grievous injuries and succumbed to the same at the spot.

4. The Tribunal held that the applicant had failed to prove that the deceased was a bona fide passenger or that his death resulted from an accidental fall from a train. The Tribunal noted that no journey ticket was recovered from the deceased, and the explanation that it was lost, was not accepted. The Tribunal further relied upon the DD entry recording a run-over, the post-mortem report noting traumatic partial decapitation, and the DRM report suggesting the possibility of murder. It also referred to the evidence of the Loco Pilot and the driver's notebook to hold that the timing of the train's departure did not align with the version of boarding given by AW-2. On this basis, the Tribunal concluded that the incident did not

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constitute an "untoward incident" under Sections 123(c) and 124-A of the Railways Act, 1898 (hereinafter as the "Act") and dismissed the claim.

5. Learned counsel for the appellant submits that the Tribunal erred in adopting a hyper-technical approach while appreciating the evidence on record. It is contended that the Tribunal failed to apply the settled principles governing strict liability under Section 124-A of the Act, and instead rejected the claim on the basis of conjectural inferences drawn from the non-recovery of the journey ticket and the internal conclusions contained in the DRM report. It is urged that once death on account of train accident stood established, the burden shifted upon the Railways to demonstrate that the case fell within any of the limited exceptions carved out in the proviso to Section 124-A, which burden, according to the appellant, has not been discharged.

6. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the Tribunal correctly appreciated the evidence and recorded findings of fact which do not warrant interference. It is argued that the appellant failed to establish foundational facts, namely, that the deceased was travelling as a bona fide passenger and that his death occurred as a result of an accidental fall from a train. Reliance is placed upon the non-recovery of the journey ticket, the conclusions reflected in the DRM report to contend that the incident did not qualify as an "untoward incident" within the meaning of Section 123(c) of the Act. It is therefore submitted that, in the

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absence of proof of an untoward incident, the question of attracting liability under Section 124-A of the Act does not arise.

7. The Tribunal has treated the DRM report (Ex. R-1) as concluding piece of evidence to support to the hypothesis that the deceased was murdered elsewhere and that the body was subsequently placed upon the railway track. A perusal of the impugned judgment shows that the Tribunal has relied upon the narrative contained in the DRM report, wherein, based upon an investigation conducted by the RPF Inspector, it was stated that the incident could be a case of revenge by some persons who were arrested in relation to case of shop-theft, and that probably after committing the murder, the body was laid on the railway track. However, the DRM report is, in essence, a departmental communication and it is not a judicial finding. The burden to establish that the case falls outside Section 123(c) of the Act is rested upon the Railways, and that burden has not been discharged through a mere internal report. The Tribunal placing reliance on the post mortem report, further reasoned that since the body was found *"inside and in between the lines*" and the head was partially severed, it could not have been a case of accidental fall. It observed that if the deceased had fallen accidentally, the body would have fallen "*outside the track*".

8. In the opinion of this Court, the inference that the death had occurred not on account of a train accident but a murder is purely speculative. A reading of the post-mortem report, only records the cause of death as shock due to traumatic partial decapitation produced by blunt force impact. The

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medical opinion does not categorically state that the injuries were homicidal in nature, nor does it exclude the possibility of railway impact. The DRM report, on the other hand, is based on an internal investigation and was not supported by any criminal proceedings brought on record before the Tribunal. In such circumstances, the Tribunal's acceptance of the murder theory as corroborative of its conclusion amounts to reliance on an unproved internal opinion rather than legally admissible evidence. A run-over by a train does not, *ipso facto*, exclude the possibility that the person may have first fallen from a moving train and thereafter come under its wheels. Thus, the material on record establishes railway involvement in the death, but does not conclusively establish that the deceased was not a passenger or that the incident did not arise out of train movement. The Tribunal's categorical exclusion of an accidental fall is therefore not fully supported by the documentary record relied upon by it.

At this stage, it would be apposite to rely upon *Union of India v. Leela Devi*[1], wherein a Coordinate Bench of this court cautioned against a rigid or hyper-technical appreciation of evidence. The focus, the Court held, must be on whether the incident is reasonably established and whether the statutory exception has been proved, rather than on reconstructing an exact sequence of events. The relevant extract is produced herein below:-

> *"3....I have also commented in many judgments that the hyper-technical approach adopted by the Railways of requiring that the death must be 'as*

[1] 2014 SCC OnLine Del 1440

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per the book' i.e., as per the expected set of events is a misconceived argument because there is no divine camera by which captures can be made and can be replayed so as to show the exact sequence of events of a fall from the train and thereafter the passenger dying on account of being crushed or cut up etc."

9. The Tribunal held that since no journey ticket was recovered and since the timing of the departure of Train No. 54057 (as per RW-1 and Ex. R-3) showed departure from Shahdara at 21:26 hours, whereas AW-2 deposed that the ticket was purchased around 9:40-9:45 PM, the deceased could not have boarded the said train.

10. AW-2 consistently deposed that he purchased the ticket and put the deceased on a passenger train proceeding towards *Shamli*. The timing stated by him, namely around 9:40-9:45 PM, was an approximation and not a precise recording of minutes. It is pertinent to note that AW-2 was examined before the Tribunal on 05.03.2013, nearly two years after the incident dated 24.03.2011. In such circumstances, minor variations or approximations in recollection of time cannot be treated as fatal to the claim.

However, the difference between the stated time of purchase and the recorded departure time is not so substantial as to render the appellant's version inherently improbable. There is hardly any material time gap demonstrated on record so as to conclusively negate boarding. A minor approximation in testimony, given years after the incident, would not by itself dislodge the otherwise consistent version of travel, particularly in

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proceedings under a beneficial legislation. The discrepancy, therefore, cannot be treated as determinative of the issue.

11. Further, the absence of recovery of a journey ticket from a deceased person who sustained severe mutilating injuries cannot, by itself, negate bona fide passenger status, particularly where there is an ocular testimony of purchase and boarding. 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, the case falls within the ambit of an "untoward incident".

12. 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 (Reference: *Union of India v. Prabhakaran Vijaya Kumar*[2]). 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

[2] (2008) 9 SCC 527

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denying compensation by adopting a technical and speculative approach, contrary to the settled position of law governing claims arising out of untoward railway incidents.

13. 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.

14. Accordingly, the impugned judgment is set aside and the matter is remanded back to the Tribunal for awarding of compensation in accordance with the law. The matter be listed before the Tribunal at the first instance on 09.03.2026. The Tribunal is requested to assess the compensation that is to be awarded and to direct the respondent to disburse the same to the appellant within a period of two months thereafter.

15. Accordingly, the present appeal is allowed and disposed of in the above terms.

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

MANOJ KUMAR OHRI
(JUDGE)

FEBRUARY 19, 2026/kb