

(2004) 04 AP CK 0015

Andhra Pradesh High Court

Case No: A.A.O. No. 1452 of 1998

General Manager, South Central
Railway

APPELLANT

Vs

A. Veera Lakshmi Bhaskaram
and Others

RESPONDENT

Date of Decision: April 4, 2004

Acts Referred:

- Railways Act, 1989 - Section 123, 124A

Citation: (2005) ACJ 702

Hon'ble Judges: Elipe Dharma Rao, J

Bench: Single Bench

Advocate: B.H.R. Chowdary, for the Appellant; K.S.N. Murthy, for the Respondent

Final Decision: Dismissed

Judgement

Elipe Dharma Rao, J.

The present appeal is Railway Claims Tribunal, Secunderabad preferred by appellant-respondent being (for short "the Tribunal") in O.A. No. 107 aggrieved by the Orders passed by the of 1997, dated 16.4.1998.

2. The respondent No. 1, who is the wife of the deceased and his dependants filed the above O.A. before the Tribunal, seeking compensation for the death of the deceased. Respondent No. 2-applicant is the married daughter, respondent No. 3 is the unmarried daughter and respondent No. 4 is the son of the deceased. It is the case of claimants that while the deceased was travelling by train No. 7047 Gautami Express running from Kakinada Town to Secunderabad on 27.7.1997, fell down accidentally from the train at Kakinada Town Railway Station and suffered multiple injuries, as a result of which, he died on the spot.

3. On behalf of the Railways, a written statement was filed contending that the deceased was trying to enter into a coach of Gautami Express while the train was

rolling on to the platform at Kakinada Town Railway Station and had not come to a stop and, therefore, the incident cannot be treated as a fall from a running train and hence the claimants are not entitled for any compensation.

4. The wife of the deceased was examined as AW 1 and she marked Exhs. A-1 to A-6, whereas the Railways examined Ranjeet Naik, who was engaged in the guard duty in the train on the fateful day as RW 1 and no documents were marked.

5. On the basis of the pleadings of the respective parties and the material available on record, the Tribunal framed the following issues for consideration:

(1) Whether the applicants are dependants of the deceased?

(2) Whether the deceased was a bona fide passenger?

(3) Whether accidental fall as alleged is not an untoward incident?

(4) To what relief?

6. On appreciation of both oral and documentary evidence adduced on behalf of the claimants and respondent railway administration, the Tribunal came to a conclusion that the death of the deceased was due to falling down from the train as he was trying to get into a moving train and died in the process and, therefore, a fall from a running train by a bona fide passenger comes within the meaning of "untoward incident" defined under Sections 123 and 124-A of the Railways Act.

7. In the judgment of Hon"ble Supreme Court reported in [Rathi Menon Vs. Union of India](#), it was held that the provisions of the Railways Act are not intended to give a gain to the railway administration, but they are made to give fair, just and reasonable compensation to the victims in a speedier measure.

8. Following the above judgment of the Apex Court, I see no reason to come to a different conclusion. The appeal fails and is accordingly dismissed. No costs.