



2025:DHC:4609



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

% **Judgment reserved on: 19 May 2025**  
**Judgment pronounced on: 30 May 2025**

+ **FAO 207/2019 & CM APPL. 22787/2019**

**SH. KAMTU ANURAGI & ANR.** .....Appellant

Through: Ms. Vrinda Kapoor, Mr. Sarvam  
Ritham Khare & Mr. Vishal  
Vaid, Advs.

versus

**UNION OF INDIA** .....Respondent

Through: Mr. Balendu Shekhar, CGSC  
with Mr. Raj Kumar Maurya and  
Mr. Krishna Chaitanya, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

### **J U D G M E N T**

1. The appellants have preferred this appeal under Section 23 of the Railway Claims Tribunal Act, 1987 [**“RCT Act”**] read with Section 151 of the Code of Civil Procedure, 1908 to set aside/quash the impugned order dated 16.07.2018 passed by the Railway Claims Tribunal, Principal Bench, Delhi [**“RCT”**] whereby their claim for statutory compensation on account of death of their son/Lakhan Anuragi was dismissed.

2. Briefly stated, it was the case of the appellants/claimants that their deceased son, Lakhan Anuragi was travelling along with his sister and nephew from Mahoba to Hazrat Nizamuddin on 03.10.2017 in



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Jabalpur- Nizamuddin Mahakaushal Express Train No. 12189 with valid journey tickets bearing No. 11733141, 11733142, 11733143. On 04.10.2017, and when the train reached the Bhandai Railway Station, near Agra, the deceased accidentally fell down from the train and received grievous injuries all over his body.

3. Further, it is stated that at the time of incident, the sister of the deceased was not aware about the incident and in the meanwhile, one Anwar Khan had reported to the Control of Agra Cantt. that an injured person, who was still alive, was found between Up and Down Main Lines between Bhandai and Agra Cantt. Railway Stations. The information about the injured was put with the Guard in the Brake-Van of the goods train, and on arrival of the goods train at Agra Cantt., the railway doctor in the presence of the ASI of GRP, ASI of RPF and a constable of RPF attended the injuries and on their advise the injured was shifted to the S.N. Medical College & Hospital, Agra, where he succumbed to the injuries at 12.55 hours on 04.10.2017.

4. In the aftermath of the incident, the sister of the deceased handed over her journey tickets bearing Nos. 11733142 and 11733143 to the police at the time of escorting the injured to the hospital. However, she handed over a third journey ticket bearing No. 11733141 after the deceased had expired in the Hospital.

5. Based on the pleadings, learned RCT framed the following issues: -

“1. Whether the deceased was a bonafide passenger on board the



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- train in question at the relevant of the incident?
2. Whether the death of the deceased was on account of an accidental fall amounting to an untoward incident, as claimed under Section 123(c), read with Section 124-A of the Railways Act, 1989?
  3. Whether the applicants are the dependants of the deceased within the meaning of Section 123(b) of the Railways Act, 1989?
  4. To what amount of compensation, if any, are the applicants entitled?
  5. Relief, if any?"

6. Suffice to state that the learned RCT observed that the *panchnama* report at Ex. A-1 indicates that the articles recovered from the deceased were “Nil”, however, the last page of *panchnama* report, filed by the claimants/appellants, recorded that three railway journey tickets were found. Also, there were two different copies of *panchnama* submitted, one by the Railways along with DRM Report which did not mention any railways journey ticket being found and one filed by the appellants/claimants which mentioned three railways journey tickets being found. The learned RCT, therefore, noted that there were two different copies of the same documents.

7. Further, the learned RCT also delved into the validity of the three railway journey tickets as they had been purchased at Mahoba Railway Station at 17.26 hours on 03.10.2017 and the first train for travel to Hazrat Nizamuddin, after purchase of the tickets, was Train No. 12447 UP Sampark Kranti Express scheduled at 20.00 hours, but the deceased and his sister and nephew did not board that train. Rather, they boarded the next train No. 12189 Jabalpur-Nizamuddin Mahakaushal Express,



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whose scheduled departure time from Mahoba is 00.55 hours. The learned RCT has relied on the Commercial Circular No. 5 of 2016 dated 22.01.2016 to examine the validity of railway/journey ticket.

8. Consequently, the learned RCT decided issue no. 1 against the appellants/claimants and decided issue no. 2 in favour of appellants/claimants and held the incident to be an ‘untoward incident’. Since issue no. 1 was decided against the appellants/claimants, hence this appeal.

9. Aggrieved by the dismissal of their claim, the appellants/claimants have preferred the present appeal, *inter alia*, on the grounds that the learned RCT failed to appreciate the evidence on record and erroneously concluded that the deceased was not a *bonafide* passenger at the time of incident.

### **SUBMISSIONS ON BEHALF OF THE PARTIES**

10. The learned counsel for the appellants has urged that the learned RCT gave a narrow and literal interpretation to a welfare legislation, which is contrary to its intent that the welfare statutes are to be interpreted liberally to fulfill the objective of providing relief to the beneficiaries. They submit that it is an admitted position that the deceased was travelling on a valid ticket purchased from the railway booking window. Furthermore, he was travelling with his family, which is a mitigating factor and supports the presumption that he was a *bonafide* passenger.

11. The learned counsel for the appellants further submitted that the



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learned RCT erred in interpreting Section 124A of the Railways Act, 1989 [“Act”] particularly with respect to the explanation clause defining a “passenger”<sup>1</sup>. They argue that the provision explicitly includes a person holding a valid ticket “on any date,” and hence, the learned RCT’s reasoning that the ticket was invalid due to a date mismatch is untenable and contrary to the statute.

12. The learned counsel for the appellants has also placed reliance on the decision in the judgment of **Gaurav Kapoor v. Union of India**<sup>2</sup> and **Prabhakaran Vijaya Kumar**<sup>3</sup>.

13. *Per Contra*, the learned counsel for the respondent has contended that the deceased and her alleged co-passengers had purchased unreserved tickets at 17:26 hours on 03.10.2017 from Mahoba Railway Station, but they did not board the first available train to Hazrat Nizamuddin, which was Train No. 12447 Sampark Kranti Express scheduled to depart at 20:00 hours. Instead, they boarded Train No. 12189 Mahakaushal Express, which departed from Mahoba at 00:55 hours on 04.10.2017. As per the Commercial Circular No. 5 of 2016 dated 22.01.2016 and Rule 239 of the Indian Railway Commercial Manual, Volume-I, unreserved tickets for journeys above 199 km are valid only until 24:00 hours on the day of purchase. Since the

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<sup>1</sup> 124 A Explanation.—For the purpose of this section, “passenger” includes—

(i) a railway servant on duty; and

(ii) a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.

<sup>2</sup> 2014 SCC OnLine Del 746

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



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Mahakaushal Express departed after midnight, the tickets had expired and were no longer valid for travel, thereby rendering the deceased a non-*bona fide* passenger.

14. The learned counsel for the respondent also highlighted that the appellants failed to submit any statements or evidence from the deceased's alleged sister or nephew, who were supposedly travelling with him. Their absence from the record casts further doubts on the credibility of the claim, and raises questions regarding the authenticity of the tickets and the claimed circumstances of travel. No signatures of the alleged companions are found on the death report, *fard jamatalashi*, or any related proceedings, reinforcing the respondent's position that the deceased did not possess a valid ticket and was not travelling lawfully on the train.

15. Lastly, the learned counsel for the respondent raises a preliminary objection that the appellants have filed two similar appeals, one of which was previously listed as FAO No. 152 of 2019. On this ground alone, the present appeal deserves to be dismissed.

### **ANALYSIS & DECISION**

16. I have heard the learned counsel for the parties and have also perused the record including the digitized Trial Court record.

17. First things first, it would be expedient to reproduce the findings recorded by the learned RCT on issues no. 1 and 2, which read as under:

“3. The distance between Mahoba and Hazrat Nizamuddin Railway Stations is about 540 kms. In the specific case on hand, it may be noted that the tickets were purchased at 17.26 hrs. of



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03.10.2017 at Mahoba for more than 199 kms. of journey and would remain valid so upto 24.00 hrs. of 03.10.2017 and if any person travels with these tickets on a train after 00.00 hrs. of 04.10.2017 would be considered to be travelling with invalid tickets. Since the scheduled departure of Train No.12189 (Jabalpur - Nizamuddin Mahakaushal Express) from Mahoba Railway Station is 00.55 hrs. and the fact that no train leaves its stopping station prior to its scheduled departure from that station, it is clear that the travel party would have boarded the said train (Train No.12189 - Jabalpur-Nizamuddin Mahakaushal Express) only at 00.55 hrs. or later (if the train was late) of 04.10.2017 i.e. to say at the time when the journey tickets already had become invalid. We, therefore, find that if we give credence to the fact that the ticket was recovered duly by the GRP, the said tickets being invalid would not make the deceased a bona fide passenger of the train, in which he was travelling. If on the other hand, we treat the version of the respondent railway that the tickets for the deceased was neither recovered when the deceased was alive, nor even after his death and was only planted later that would still make the deceased a non-bonafide passenger of the train, in which he was travelling. Thus, in any case, whether with or without journey tickets, we find that the deceased cannot be accorded the status of the bonafide passenger of Train No. 12189 (Jabalpur- Nizamuddin Mahakaushal Express), in which he was said to be travelling. Issue No.1 is decided in the negative against applicants.

4. Regarding untoward incident, we have no doubt in our mind that the deceased had suffered a fall from the train and was found in an injured condition between Up. and Down Main Lines between Bhandai and Agra Cantt. Railway Stations, from where he was rescued by being transported in a brake-van of a goods train upto Agra Cantt. Railway Station and thereafter, was shifted to the hospital for further treatment, where he unfortunately succumbed to his injuries. The death of the deceased was resultant to his fall from the train, which is covered under the definition of 'untoward incident', as defined under Section 123(c) of the Railways Act, 1989. It is, therefore, held that it was an untoward incident. Issue No.2 is answered accordingly."

18. At the outset, the aforesaid reasons given by the learned RCT are absolutely unconscionable and perverse, and thus, liable to be set aside.



As per the DRM Report, a conclusion was drawn that the deceased had fallen from a moving train and succumbed to the injuries sustained in the accident, which is covered under the definition of ‘untoward incident’, as defined under Section 123(c) of the Act.

19. Insofar as the issue as to whether the deceased was a *bonafide* passenger within the meaning of Section 2(29) of the Act<sup>4</sup> is concerned, it is an admitted fact that the railway tickets were purchased at 17.26 hrs. on 03.10.2017 at Mahoba. It is also an admitted fact that the tickets are either issued in advance for performing journey on any given day or the tickets are also issued at the counter of the concerned railway station for undertaking the railway journey, same day on time proximate to the issuance of the railway/journey ticket.

20. The findings given by the learned RCT that the tickets were purchased at 17.26 hrs. of 03.10.2017 at Mahoba for more than 199 kms. of journey and would remain valid so upto 24.00 hrs. of 03.10.2017, and if any person travels with these tickets on a train after 00.00 hrs. on 04.10.2017, that would be considered to be travelling with invalid tickets, belies common sense and logic. Once a railway ticket/journey ticket is issued for performing the journey on any train, and it cannot be rule out that the train ticket may be issued just before mid-night and the journey is performed immediately afterwards as and when the train arrives. There is no caution, warning or stipulation in the railway/journey ticket that the journey should be performed on the date

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<sup>4</sup> 2 (29) “passenger” means a person travelling with a valid pass or ticket





indicated in the ticket upto 00:00 hours in the mid-night of the same day.

21. At this juncture, it would be apposite to reproduce the commercial circular dated 22.01.2016 relied upon by the learned RCT, which reads as under:-

“GOVERNMENT OF INDIA  
MINISTRY. OF RAILWAYS (RAILWAY BOARD)

\*\*\*\*\*

(Commercial Circular No. of 2016)

No. TC-II/2002/2015/Val. Tickets

New Delhi, dated 22.01.2016

The General Managers,  
All zonal Railways

Sub: Validity of unreserved tickets over non-suburban sections.

Ministry of Railways have decided to revise the validity of unreserved tickets over non-suburban section as under-

- (i) For distances upto 199 Kms, the Journey shall be started from the originating station within three hours of time of issue of tickets or upto the departure of first train for the destination whichever is later.
- (ii) For distances of 200 Kms and above, there Will be no change in the existing provisions and also the advance booking of 3 days will continue to be allowed.
- (iii) For the distances upto 199 Kms, the tickets across UTS will be issued at the originating stations only.
- (iv) As regards validity of return journey tickets, the facility for return journey tickets upto 199 Kms should be withdrawn.
- (v) In case of Excess fare tickets also, the validity of EFT for the distance upto 199 Kms will be the time of issue of such tickets or upto the departure of first train for the destination whichever is later.

2. This Issues with the concurrence of Finance Directorate of Ministry of Railways.

3. This will be implemented w.e.f 01.03.2016.



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4. CRIS may kindly make necessary changes in the software.

(Vikram Singh)  
Director Passenger Marketing  
Railway Board

No. TC-II/2002/2015/Val. Tickets

New Delhi, dated 22.01.2016”

22. It would be apposite to refer to an earlier matter decided by this Court in the case of **Chander Shekhar v. Union of India**<sup>5</sup>, wherein in the background of similar facts and circumstances, it was held as under:

“13. A careful perusal of the aforesaid circular would show that upto a distance of 199 kms, the journey may start from the originating station within three hours of the issuance of tickets or upto the departure of the first train for the destination, whichever is later. Similarly, for a distance of 200 kms and above, there is a provision of advance booking, but then it does not say that a ticket cannot be issued from the originating station before the departure of the train. An advance ticket may be valid for three days, but then in case of a journey performed for over 200 kms, the railway/journey ticket, if issued before the departure of the train without any conditions attached thereto, would be valid railway/journey ticket.

14. Viewed in that light, in the instant case, the distance from Shikohabad to Delhi was 246 kms. The reliance on the clarificatory letter dated 09.10.2018 by the learned RCT is clearly misplaced and irrational, since if the train ticket is valid for 24 hours, it means that it is valid for 24 hours from the time of issuance, which in this case was evidently 22:54 hours on 31.10.2016. There was no condition or stipulation to the contrary while issuing the railway/journey ticket. If the reasoning by the learned RCT is allowed to prevail, it would result in palpable injustice to the commuters who travelled at odd hours, after purchasing a valid railway/journey ticket.”

23. This Court further notes that the deceased was travelling in the company of his sister and nephew, and that they remained at the railway platform for approximately four and a half hours before boarding the

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<sup>5</sup> [FAO 120/2020]



train. This fact alone lends credence to the appellants' contention that there existed *bonafide* reasons for waiting for the subsequent train rather than boarding the earlier one. We may safely assume that the deceased did not board the train that arrived prior to midnight as it might be overcrowded and he did not feel safe to travel on that train along with his sister and her child. The prolonged wait is indicative of a legitimate and deliberate intention to travel, rather than any *mala fide* or surreptitious conduct. It is also relevant to observe that the deceased and his family members hailed from an economically weaker section of the society. In such circumstances, the absence of the journey ticket on the deceased's person after the fatal incident cannot, by itself, negate the legitimacy of the claim, especially when credible evidence exists of ticket purchase prior to the journey.

24. In light of the foregoing discussion, this Court finds no difficulty in concluding that the deceased was, in fact, a *bonafide* passenger as per section 2 (29) of the Act. The evidence on record supports the version that the deceased fell from a moving train and sustained fatal injuries as a result thereof. The reliance placed by the learned RCT on the aforementioned commercial circular is manifestly misplaced. The ticket, having been issued at 17:26 hours on 03.10.2017, remained valid for 24 hours from the time of issuance i.e., till 17.26 hrs on 04.10.2017.

25. In the absence of any explicit stipulation on the face of the ticket or any statutory prescription to the contrary, it cannot be presumed that the validity of the journey ticket expired at midnight. Acceptance of



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such an interpretation would result in grave prejudice to the passengers who undertake late-night travel. This clearly brings the case within the four corners of being an ‘untoward incident’. At the cost of the repetition, the respondent/railway cannot absolve themselves of their liability in terms of Section 124A of the Act.

26. Accordingly, the present appeal is allowed and the appellant is made entitled to a statutory compensation of Rs. 8,00,000/- (Rupees Eight Lacs Only) payable with interest of 12% per annum from the date of accident i.e. 04.10.2017 till its realization.

27. The present appeal stands disposed of. The pending application also stands disposed of.

**DHARMESH SHARMA, J.**

**MAY 30, 2025**

*Sadiq/sa*