

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 135 of 2020

(An appeal under Section 23 of the Railways Claims Tribunal Act, 1987)

Santosh Ku. Sahoo

....

Appellant(s)

-versus-

Union of India

....

Respondent (s)

Advocates appeared in the case through Hybrid Mode:

For Appellant (s)

:

Mr. Dhananjaya Mund, Adv.

For Respondent (s)

:

Mr. Amit Kumar Saa, CGC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-18.09.2025

DATE OF JUDGMENT:-10.10.2025

Dr. Sanjeeb K Panigrahi, J.

1. In the present appeal, the Appellant challenges the judgment and order dated 10.01.2020 passed by the Railway Claims Tribunal, Bhubaneswar in Case No.OA-II(u)/2017/0015, which dismissed the claim application for compensation arising out of the death alleged to have occurred in an 'untoward incident' within the meaning of Section 124A of the Railways Act, 1989.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:



- (i) On 19.01.2017, the deceased Krushna Chandra Sahoo was travelling from Berhampur to Bhubaneswar on the strength of valid journey ticket purchased from Berhampur Railway Station bearing the No. VYA-51990424 by the Bisakha Express Train.
- (ii) During the course of the journey the compartment was overcrowded, and due to sudden jerk caused by the application of brakes and the push and pull of passengers, the deceased lost his balance, fell from the running train in between Lingaraj and Bhubaneswar Railway Station, as a result he was succumbed with injuries and died on the spot.
- (iii) The Appellants thereafter instituted Original Application No. 15 of 2017 before the Learned Railway Claims Tribunal, Bhubaneswar Bench, invoking the jurisdiction vested under Section 16 of the Railway Claims Tribunal Act, 1987, and preferred a claim under Section 124A of the Railways Act, 1989, seeking statutory compensation on account of the death of the deceased, allegedly occasioned by an “untoward incident” as contemplated under Section 123(c)(2) of the Act.
- (iv) Upon perusal of the pleadings and evidentiary materials adduced by the parties, the Learned Tribunal was pleased to frame five distinct issues for determination. After an elaborate evaluation of the oral and documentary evidence on record, the Tribunal ultimately returned findings to the effect that the deceased did not qualify as a bona fide passenger, nor could the occurrence be brought within the statutory ambit of an “untoward incident”

under the Act. On such premises, the Original Application came to be dismissed as devoid of merit.

- (v) Being aggrieved by the judgment and order dated 10.01.2020 rendered in Original Application No. 15 of 2017 by the Learned Railway Claims Tribunal, Bhubaneswar Bench, whereby the claim petition was dismissed, the Appellants have invoked the appellate jurisdiction of this Court by preferring the present appeal, assailing the legality, propriety, and sustainability of the impugned order on both factual and jurisdictional grounds.

II. SUBMISSIONS ON BEHALF OF THE APPELLANT:

3. Learned counsel for the Appellant earnestly made the following submissions in support of his contentions:
- (i) The Appellant submitted that the dismissal of the Original Application by the Railway Claims Tribunal, Bhubaneswar in respect of the alleged untoward incident resulting in the death of the deceased is against the weight of the evidences on record, suffers from misappreciation of the material facts, and is bad in law. Hence, the impugned judgment and order is liable to set aside.
- (ii) The Appellant contended that when several documents issued by the Police clearly establish the death of the deceased on account of the untoward incident, which occurred in the course of the journey and the reporting of the incident was done by the gangman of the Railways to the Station Master who further intimate the local police and the case was registered.



- (iii) The Investigating Agency's Final Report, read conjointly with the Post-Mortem Report and the Inquest Proceedings, unequivocally substantiates that the death in question was occasioned by a fall from a moving train. The said documents, being contemporaneous official records prepared in due discharge of statutory duty, carry a presumption of correctness unless rebutted by cogent and credible evidence, which, in the present case, the Respondent Railways has conspicuously failed to furnish. The Learned Tribunal's reliance upon the DRM's report—an administrative document lacking evidentiary sanctity and unsupported by ocular testimony or primary proof—stands vitiated for want of probative weight and cannot, in law or on fact, suffice to overturn the consistent and unimpeached conclusions emanating from the statutory and investigative materials on record.
- (iv) The Learned Tribunal, without duly advertent to or taking judicial cognizance of the attendant factual circumstances emanating from the evidentiary corpus, manifestly erred in rejecting the claim application upon the untenable premise that the death of the deceased was attributable to one of the statutory exceptions engrafted under the proviso to Section 124A of the Railways Act, 1989, and that the deceased was neither a bona fide passenger nor a victim of any "untoward incident" within the contemplation of Section 123(c)(2) thereof. The findings so returned, being contrary to the preponderant weight of evidence, bereft of juridical foundation, and rendered in derogation of the settled principles governing the presumption of liability envisaged under the beneficial scheme of the Act, are ex facie

perverse, legally unsustainable, and consequently liable to be set aside.

- (v) The Ld. Tribunal has fallen into a manifest and patent error of law in returning a finding that the death of the deceased was suicidal in nature—a conclusion resting entirely upon conjecture and surmise, and devoid of any credible or substantive evidentiary foundation. Such an inference, arrived at in the absence of cogent proof, stands in direct contravention of the settled evidentiary principles and militates against the statutory presumption of accidental causation embodied in Section 124A of the Railways Act, 1989. The deposition of Appellant No. 1, examined as AW-1, both in her examination-in-chief and cross-examination, unequivocally establishes that the deceased was a bona fide passenger, a finding further fortified by the recovery of a valid journey ticket from his possession at the site of occurrence. The cumulative evidentiary record thus unmistakably points to the conclusion that the deceased accidentally fell from a running train in the course of travel, thereby bringing the occurrence squarely within the ambit of an “untoward incident” as contemplated under Section 123(c)(2) of the Act. The contrary finding recorded by the Learned Tribunal, being perverse, contrary to the weight of evidence, and inconsistent with the legislative intent underlying the no-fault liability regime enshrined under Section 124A, is consequently unsustainable in law and warrants interference by this Court.

III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:

4. On the contrary the Learned Counsel from the Respondent made the following submissions:

- (i) In cases arising out of alleged “untoward incidents,” the initial evidentiary burden indubitably rests upon the claimant to establish the foundational facts necessary to attract the statutory presumption of accidental causation contemplated under Section 124A of the Railways Act, 1989. In the instant case, the Appellants have, however, failed to satisfactorily discharge this primary onus. The surrounding circumstances, when objectively assessed in the light of the available record, do not lend credence to the theory of an accidental fall from a running train; rather, they unmistakably point towards a self-inflicted act culminating in a suicidal run-over. Such conduct squarely falls within the exceptions expressly engrafted in the proviso to Section 124A of the Act and thereby excludes the operation of the principle of strict or no-fault liability otherwise attaching to the Railway Administration under the statutory scheme. Consequently, the claim petition, being devoid of merit, stands rightly dismissed, as no vicarious or statutory liability can, in law, be fastened upon the Respondent Railways in relation to the incident in question.
- (ii) The Learned Tribunal, upon a meticulous appreciation of the oral and documentary evidence available on record, has rightly disbelieved the testimony of A.W.1, the son of the deceased, observing that his deposition appeared to be actuated by self-interest and guided by an ulterior motive to secure compensation under the guise of an “untoward incident.” The material inconsistencies, embellishments, and contradictions discernible in his testimony, when juxtaposed with the surrounding circumstances and absence of any credible independent corroboration, clearly detract from its probative worth.

The Tribunal, therefore, was fully justified in holding that such evidence, being tainted by mala fides and coloured by pecuniary inducement rather than veracity, could not be accorded any evidentiary sanctity in the adjudication of the claim.

- (iii) The Appellants have failed to establish that the deceased was a bona fide passenger travelling with a valid journey ticket. Although the inquest purportedly recorded the recovery of a ticket from the person of the deceased, no such document has been produced or proved in evidence. The solitary reference to its existence in the police report, being uncorroborated and hearsay in nature, lacks probative value. The absence of primary evidence to substantiate bona fide passengership renders the claim inherently doubtful and indicative of an attempt to fabricate a case for compensation. In the absence of cogent and admissible proof fulfilling the essential precondition under Section 124A of the Railways Act, 1989, the statutory liability of the Respondent Railways cannot be invoked. Accordingly, the claim is devoid of merit and liable to dismissal.

IV. FINDINGS OF THE TRIBUNAL:

5. The Railway Claims Tribunal, Bhubaneswar Bench heard the parties, perused the documents on record, and upon the basis of the pleadings framed five issues for consideration.
6. On Issues 1, 2 and 3, which were taken up together, the Tribunal observed that the initial burden lay upon the applicants to establish that the deceased was a bona fide passenger and that his death resulted from an “untoward incident” within the meaning of Section 123(c)(2) read with

Section 124A of the Railways Act, 1989. The Tribunal found that the journey ticket was found but there is no such document is recorded in support of it.

7. It is further observed that the statutory investigation report, when read in conjunction with the statements of the train guard and driver, reveals that neither had any knowledge or observation of the alleged incident during the course of the journey. The inquiry additionally notes that, apart from the body having been found severed into two parts at the waist, no other external injuries were discernible. The Respondents have contended that the deceased was discovered lying on the railway track in a mutilated condition, which, in the ordinary course of events, would not be the natural or probable consequence of an accidental fall from a moving train. On such factual premises, it is urged that the surrounding circumstances unmistakably bear the indicia of a deliberate act of self-destruction, thereby bringing the occurrence within the ambit of a suicidal death falling squarely under the statutory exceptions engrafted in the proviso to Section 124A of the Railways Act, 1989.
8. The Tribunal held that such circumstances does not demonstrate the accidental fall from the train, and therefore the occurrence was not an “untoward incident”. Such is sine qua non of compensation under Section 124A had not been established. It is accordingly held that the deceased was not a bona fide passenger, that the incident was not an “untoward incident”, and that Railways stood protected under the exception clause of Section 124A of the Act.
9. Consequently, Issues 1, 2 and 3 were answered against the applicants. In view of such findings, the Tribunal considered it unnecessary to examine

Issues 4 and 5 relating to dependency and relief. The claim application was thus dismissed.

V. COURT'S REASONING AND ANALYSIS:

10. Heard Learned Counsel for parties and perused the documents placed before this Court.
11. The central questions that arise for consideration are:
 - (i) whether the deceased was a bona fide passenger?
 - (ii) whether the incident amounts to an 'untoward incident' within the meaning of Section 123(c)(2) read with Section 124A of the Railways Act, 1989?
 - (iii) whether the Railway Administration stands absolved of liability by reason of any exceptions under Section 124A?
12. **This Court observed** that once the primary facts, namely, the death of a passenger in an "untoward incident" and that such passenger was a *bona fide* passenger, stood established, the liability of the Railway Administration became absolute. The Court further emphasised that the absence of any wrongful act, negligence or default on the part of the Railway Administration was of no consequence, inasmuch as the provisions of Section 124-A of the Railways Act embody the principle of strict liability.
13. The Learned Tribunal entertained a doubt as whether the incident constituted a fall from the train, speculating instead that the death might have been occasioned by a run-over. This Court is of the considered view that such a distinction is legally untenable. It is a matter of common occurrence that an accidental fall from a moving train may culminate in

the passenger being run over either by the same train or by another, thereby sustaining grievous or fatal injuries. Such a subsequent development does not alter the intrinsic character of the mishap as an “accidental fall”. There is no material on record to suggest any alternative hypothesis, such as the deceased being present on the railway track independent of the train journey. On the contrary, the contemporaneous records, viz. the inquest report, post-mortem examination and the final police report, unequivocally attribute the cause of death to a fall from the train. In the circumstances, the Court holds that the incident squarely qualifies as an “untoward incident” under the statutory scheme, entitling the claimants to the benefit of compensation.

14. At the outset, it is necessary to examine the statutory framework. Section 124A of the Railways Act, 1989, enacts a regime of strict liability. The provision stipulates that once it is established that the death or injury has occurred as a result of an “untoward incident”, the Railway Administration is bound to pay compensation, irrespective of any negligence or default on its part, unless the case falls within the specific exceptions carved out in the proviso to Section 124A of the Railways Act.
15. On the issue as to whether the deceased was a bona fide passenger, this Court finds merit in the submission of the Appellants. The Appellants have consistently asserted that the deceased was travelling on a valid journey ticket bearing the VYA -51990424 issued from Berhampur Railway Station, which was recovered from his possession during the course of investigation. The inquest report prepared by the police duly records, the contrary finding of the Learned Tribunal that there was no document evidencing the said ticket is unsustainable. It is pertinent to

note that the Respondent- Railways neither pleaded nor adduced any evidence to discredit the authenticity of the said ticket. Accordingly, the Court is constrained to hold that the deceased was a bona fide passenger within the meaning of Section 2(29) of the Railways Act, 1989.

16. Similar sentiments have also been echoed by the Supreme Court in *Union of India v. Rina Devi*¹, wherein it was held that Section 124A of the Railways Act provides for payment of compensation whether or not there has been wrongful act, negligence or fault on the part of the Railway Administration in the case of an accident in case 'untoward incident'.
17. In the present case, the applicants produced the valid journey ticket, Inquest Report, Post mortem report and final report, all of which record that the deceased died on account of accidental fall from a running train. Further, AW-1 categorically deposed that a valid journey ticket was recovered from the deceased, which fact stood duly corroborated during evidence. These are the direct testimonies of AW-1, duly supported by contemporaneous police and medical records. The Respondents, on the other hand, failed to adduce any cogent material to rebut such evidence, and sought instead to rely upon speculative observations made in the DRM's inquiry.
18. Upon weighing the evidence on record, the Court finds that the applicants have adduced sufficient material to establish that the deceased was travelling on a valid journey ticket and that he accidentally fell from the train in between Lingaraj and Bhubaneswar Railway Station. Such an occurrence clearly falls within the ambit of "untoward incident" as

¹ (2019) 3 SCC 572

defined under Section 123(c) and does not dislodge the claim within the framework of Section 124A of the Railways Act, 1989.

19. This position stands fortified by the authoritative pronouncement of the Supreme Court in *Union of India v. Prabhakaran Vijay Kumar*², wherein it was held that the provision for compensation in the Railway Act is a beneficial piece of legislation and must, therefore, be accorded a liberal and purposive interpretation. The Court further observed that adopting a restrictive meaning to the expression ‘accidental falling of a passenger from a train carrying passengers under Section-123(c) of the Railways Act would defeat the object of the legislation and unjustly deprive a large number of bona fide railway passengers of their rightful claim to compensation in railway accidents.
20. The underlying object of the statutory scheme is to ensure prompt and equitable compensation to the victims of railway accidents, rather than to entangle them in protracted proceedings of fault-finding or negligence. The denial of relief by the Learned Tribunal runs counter to these settled principles. In the absence of any cogent evidence establishing the applicability of the statutory exceptions, the death of a bona fide passenger on account of a fall from a train squarely fastens statutory liability upon the Respondents- Railways to pay compensation and are accordingly liable to be set aside.
21. Accordingly, this Court is of the considered view that the incident falls squarely within the ambit of an “untoward incident”. None of the statutory exceptions to liability enumerated under the proviso to Section

² (2008) 9 SCC 527

124A stand attracted in the present case. Consequently, the claim application is maintainable in law, and the liability of the Respondent-Railways to compensate the claimants stands established.

VI. CONCLUSION:

22. In the light of the foregoing discussion, this Court is satisfied that the Appellant has established that the deceased was a bona fide passenger and that his death occurred as a result of an “untoward incident” within the meaning of Section 123(c)(2) read with Section 124A of the Railways Act, 1989. None of the statutory exceptions under the proviso to Section 124A are attracted.
23. The impugned judgment and order dated 10.01.2020 passed by the Railway Claims Tribunal, Bhubaneswar in Case No.OA-II(u)/2017/0015 is set aside.
24. The appeal is, therefore, allowed.
25. The Appellant is entitled to compensation of Rs.8,00,000/- (Rupees eight lakhs) with interest at 6% per annum from the date of filing of the claim application until payment. The respondent Railways shall deposit the amount before the Tribunal within three months, whereupon it shall be disbursed to the Appellant in accordance with law.
26. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

*Orissa High Court, Cuttack,
Dated the 10th Oct., 2025*