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

% Reserved on : 03.11.2026
Pronounced on : 18.11.2026
Uploaded on : 18.11.2026

\+ **FAO 166/2022**

MOHD. AHMAD .....Appellant
Through: Mr.Prashant Kumar Shisodia, Advocate

versus

UNION OF INDIA .....Respondent
Through: Mr. Nipun Jain, Advocate for Ms. Manisha Agarwal Narain, CGSC

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 against the judgment dated 19.08.2020 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/GZB/2017/332, whereby the claim application filed by the appellant seeking compensation on account of the death of his son, *Tehzeeb* (hereinafter referred to as the "deceased")came to be dismissed.

2. Briefly stated, the case set up by the appellant before the Tribunal was that on 17.06.2017, the deceased was travelling from

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Chandigarh to *Rampur* by *Chandigarh-Lucknow* Express, holding a valid journey ticket. It was alleged that during the journey, he accidentally fell from the train near *Roorkee* Railway Station and sustained fatal injuries. The respondent/Railways contested the claim and relied upon the DRM inquiry report, which concluded that there was no evidence of the deceased having fallen from the train.

3. The Tribunal framed issues, inter alia, as to whether the deceased was a *bona fide* passenger and whether the incident in question constituted an untoward incident within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the "Act") and vide the impugned judgment, both the issues were decided against the appellant.

4. Learned counsel for the appellant contends that the journey ticket bearing No. 96511839 was verified by the Railways through CRIS and was found to have been issued from *Chandigarh* on 17.06.2017. The discrepancy in the time stated by *Usman Ali*/AW-1 regarding purchase of his ticket, it is argued, could not lead to rejection of the entire claim. It is further submitted that the Tribunal failed to properly examine the RPF report recording recovery of the ticket from the body of the deceased, as well as the subsequent inquiry conducted pursuant to the Tribunal's directions.

5. On the other hand, learned counsel for the respondent defends the impugned judgment and submits that the appellant failed to establish either that the deceased was travelling as a *bona fide* passenger or that he had fallen from the train. It is contended that the DRM inquiry did not find any evidence of such an incident and that

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the statement of *Usman Ali*/AW-1 was inconsistent with the CRIS verification regarding the time of issuance of the tickets.

6. At the outset, it is apposite to notice that the Tribunal rejected the claim substantially on the basis of the discrepancy between the statement of AW-1 and the CRIS verification regarding the time of purchase of the tickets. AW-1 stated that he purchased his ticket at around 3:45 p.m. However, the CRIS verification placed on record by the Railways reflected issuance of the tickets at 20:35 hours and 20:40 hours from *Chandigarh*. The Tribunal treated this discrepancy as rendering the entire testimony of AW-1 unreliable.

7. In this regard, the decision of the Supreme Court in "*Union of India v. Rina Devi*"[1] is relevant. The Court has held that the initial burden of establishing that the deceased was a *bona fide* passenger is on the claimant; however, once the initial burden is discharged, the burden shifts to the Railways. The question is required to be examined on the basis of the evidence available on record and the mere absence of recovery of a ticket cannot, by itself, be treated as conclusive against the claimant.

8. In the present case, the CRIS verification assumes significance. The Railways themselves placed the verification on record, which reflected issuance of tickets from *Chandigarh* on the date of the incident. The Tribunal, while noticing the timings recorded in the verification, did not examine the ticket numbers and the corresponding entries in the context of the other material on record. It is also relevant that the Tribunal's order dated 20.01.2020 specifically directed the

[1] (2019) 3 SCC 572

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respondent to obtain CRIS verification in respect of ticket Nos. 96511827 and 96511839. The record, therefore, required a proper examination of the ticket numbers, the verification obtained and the explanation, if any, furnished by the parties. The discrepancy in the statement of AW-1 regarding the time of purchase was certainly a relevant circumstance, but it was required to be considered along with the documentary verification and not in isolation.

9. Pertinently, there is another aspect which required consideration by the Tribunal. In its order dated 10.07.2019, the Tribunal noticed that the RPF report forming part of the DRM report recorded that ticket No. 96511839 had been seized from the body of the deceased. However, the *panchnama* and other contemporaneous documents did not record recovery of any such ticket.However, while deciding the claim, the Tribunal has not discussed the contents of the inquiry report or examined whether the discrepancy noticed by it regarding the alleged recovery of the ticket stood explained. This was a material aspect, particularly when the Tribunal itself had considered it necessary to call for an inquiry on the issue.

10. As far as the occurrence of the "untoward incident" is concerned, the Tribunal appears to have principally relied upon the conclusion in the DRM report that there was no evidence of the deceased having fallen from the train. The post-mortem report records that the cause of death was shock and haemorrhage due to ante-mortem injuries. While this medical opinion, by itself, does not establish the precise manner in which the deceased sustained the injuries, the same was also required to be considered along with the

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other contemporaneous material, including the inquest proceedings and the inquiry reports.

11. In view of the aforesaid, this Court is of the opinion that the findings returned by the Tribunal on the issues of *bona fide* passenger and "untoward incident" cannot be upheld in their present form. The material relating to CRIS verification, the discrepancy in the ticket numbers, the RPF report regarding alleged recovery of the ticket and the subsequent inquiry report required a more detailed examination.

12. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 16.12.2026.

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

14. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 18, 2026
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