



2026:DHC:8447



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

% Reserved on : 15.09.2026
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+ **FAO 105/2021**

VIJENDER SINGH

.....Appellant

Through: Mr. Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Gaurav Sharma, SPC with Ms.
Manpreet Kaur and Mr. Sachin
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 against the judgment dated 02.08.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in OA(Ilu) 180/2018, whereby the claim application filed by the appellant seeking compensation on account of injuries suffered by him came to be dismissed.
2. The appellant's case was that on 16.05.2018, he had purchased railway ticket No.84044661 for travelling from *Shahdara* to *Narela* and reached Platform No.2 of *Shahdara* Railway Station to board Train



No.54476. According to him, while he was attempting to board the train, the train started moving and, owing to the rush on the platform, he could not catch hold of the handle of the compartment and fell on the platform, sustaining injuries. He was thereafter removed to GTB Hospital for further treatment.

3. The Tribunal framed, inter alia, the issues whether the appellant was a *bona fide* passenger and whether he had sustained injuries in an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”). The Tribunal, though, accepted that the appellant was in possession of a valid ticket for the *Shahdara-Narela* journey, however, while considering the manner in which the accident occurred, it placed considerable reliance upon the MLC, the statement recorded by the RPF and the nature of the injuries and dismissed the claim.

4. Learned counsel for the appellant contends that the Tribunal failed to appreciate the foundational pointers of the case, such as the recovery of the journey ticket. It is further submitted that the journey ticket was recovered from the appellant at the hospital, a separate *fard* was prepared and the ticket was subsequently verified by the Railway authorities. Learned counsel further submits that the appellant, in his evidence before the Tribunal, explained that there was heavy rush on the platform and that, while trying to board the moving train, he could not catch hold of the compartment handle and fell on the platform. It is therefore contended that the contemporaneous record could not have been displaced merely by relying upon the later statement and the nature of the wrist injury.

5. Learned counsel for the respondent, on the other hand, supports the submitted that the MLC records a history of fall on the platform and that



there were no external injuries, except swelling and tenderness around the wrist. Reliance is also placed upon the statement attributed to the appellant before the RPF. It is thus submitted that the occurrence was not an accidental fall in the course of boarding a train and would not constitute an “untoward incident”.

6. Coming first to the question whether the appellant was a *bona fide* passenger, Section 2(29) of the Act defines a “passenger” as a person travelling with a valid pass or ticket. In the present case, there is no dispute that ticket No.84044661 for the journey from *Shahdara* to *Narela* was recovered from the appellant after the occurrence. The recovery was recorded contemporaneously, a separate *fard* was prepared and the ticket was verified by the Railway authorities. The respondent has also not disputed the recovery of the ticket and the appellant, therefore, stands established as a *bona fide* passenger.

7. The principal question is consequently whether the injury sustained by the appellant falls within the expression “untoward incident”. Section 123(c)(2) includes the accidental falling of a passenger from a train carrying passengers. The Supreme Court in “Union of India v. Prabhakaran Vijay Kumar”¹ has held that the expression “accidental falling” cannot be given a narrow construction so as to exclude a passenger who falls while attempting to board a train. It has also been held in “Union of India v. Rina Devi”² that an injury sustained in the course of “boarding or de-boarding” a train is an “untoward incident” and that mere negligence while doing so does not, by itself, amount to a self-inflicted injury.

¹(2008) 9 SCC 527

²(2019) 3 SCC 572



8. In the present case, the Station Master memo records that one person had fallen during boarding of Train No.54476 and DD No.11PP similarly records that one person had fallen while boarding the train at Platform No.2 and was thereafter removed to GTB Hospital. These entries were made on the date of the occurrence, much before the subsequent statement recorded by the RPF. The appellant's own evidence before the Tribunal is also consistent with the broad version that he was "attempting to board" the train and in the midst of heavy rush, he fell on the platform when he could not catch hold of the compartment handle.

9. The fact that the MLC records a "fall at platform" does not contradict the appellant's case. It, therefore, establishes the place of fall and the nature of the injury. It does not, by itself, establish that the fall was unrelated to an attempt to board the train. Likewise, the absence of contusion or abrasion cannot conclusively determine the manner in which the fall took place. A fracture of the distal radius accompanied by swelling and tenderness, in absence of a medical opinion, cannot be said to be inconsistent with a person falling on his hand while attempting to board a moving train.

10. The Tribunal also placed substantial reliance upon the statement attributed to the appellant before the RPF. The appellant, however, admitted only his signatures on that statement and specifically stated in his evidence that the date and contents were not in his handwriting and that he had been called by the RPF after five or six months.

11. More importantly, even the version attributed to him, that he fell on the platform before boarding, does not necessarily take the occurrence outside Section 123(c)(2), when the contemporaneous railway record records the fall as having occurred during the process of "boarding". The



distinction sought to be drawn by the respondent between falling “on the platform” and falling “from the train” is also not decisive on these facts. The appellant had not boarded the train completely, as his case is of an attempted boarding of a moving train, during which he lost his balance and fell back onto the platform. It is the circumstances in which the fall occurred, and not merely the precise place where the body came to rest, which have to be considered.

12. The Tribunal, however, has not considered the aforesaid material in its entirety. While the issues were separately framed as to the appellant’s status as a *bona fide* passenger and as to whether the injuries were sustained in an “untoward incident”, the evidence bearing on both issues was required to be appreciated cumulatively. The recovery and verification of the ticket was material to the first issue, the contemporaneous Station Master memo and DD entry were material to the manner of occurrence and the MLC and the RPF statement were required to be assessed in that background. Instead, the Tribunal treated the nature of the injuries as the decisive circumstance and, on that basis, rejected the contemporaneous record indicating a fall while boarding. Such an approach does not amount to a consideration of the evidence in its entirety.

13. The provisions relating to compensation for “untoward incidents” under the Act are intended to provide compensation on a “no-fault” basis and have to be given a purposive construction. The Supreme Court in Prabhakaran Vijay Kumar (supra) has cautioned against adopting a restrictive meaning to “accidental falling” which would exclude genuine railway passengers from the statutory remedy. The same approach has subsequently been reiterated in Rina Devi (supra) wherein the Supreme



2026:DHC:8447



Court reiterated the beneficial nature of the statutory scheme and the need to assess the claim on the relevant facts and circumstances rather than on an unduly rigid evidentiary standard.

14. On a cumulative consideration of the evidence on record, this Court is of the view that the appellant has established that he was a *bona fide* passenger and that the injuries were sustained in an accidental fall while attempting to board the train in question and the occurrence, therefore, falls within the ambit of an “untoward incident” under Section 123(c)(2) of the Act.

15. Accordingly, 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 appellants 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 02.11.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 28, 2026

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