



2026:DHC:7396



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

% Reserved on : 19.08.2026
Pronounced on : 01.09.2026
Uploaded on : 01.09.2026

CNR No. DLHC010163242019

+ **FAO 132/2019**

SH. VIRENDER

.....Appellant

Through: Mr. Neeraj Kumar Jha and
Mr.Bipin Kumar, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Ms. Manisha Agrawal and
Mr.Nipun Jain alongwith
Mr.Divanshu, 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 22.11.2018 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in O.A. No. OA(IIu) 68/2018 titled "Sh. Virender v. Union of India", whereby the claim application filed by the appellant seeking compensation for injuries sustained in an "untoward incident" came to be dismissed.

2. The facts in a nutshell are that on 08.02.2017, the appellant boarded a passenger train from *Okhla* Railway Station for travelling to



Palwal after purchasing a valid journey ticket. When the train reached *Tughlakabad* Railway Station, the appellant got down to get water and in the meantime, the train started moving and while attempting to re-board the train, the appellant fell and sustained grievous injuries. He became unconscious and was taken to *Jai Prakash Narayan* Apex Trauma Centre, AIIMS. The bag containing his clothes and journey ticket was also stated to be lost in the incident. The appellant's left leg was subsequently amputated below the knee.

3. Learned counsel for the appellant submitted that the appellant had consistently stated that he had purchased a ticket for *Palwal* and had kept the same in his bag containing his clothes, which bag was lost in the incident. It was further submitted that the appellant's statement recorded by the GRP at the relevant time also recorded that he had purchased the ticket and kept it in the bag which was lost in the incident. Learned counsel submitted that the respondent had not led any evidence to establish that the appellant was travelling without a ticket and that the Tribunal erred in rejecting the appellant's explanation merely on the basis of its own assumption that a passenger undertaking a short-distance journey during daytime would not keep the ticket in his bag.

4. Learned counsel for the respondent, on the other hand, contended that no journey ticket was recovered from the appellant and that his version regarding having kept the ticket in the bag could not be accepted, particularly when his purse containing cash and identity card had been recovered. Reliance was also placed on the DRM Report and the circumstances surrounding the non-recovery of the ticket to



contend that the appellant had failed to establish that he had lawful authority to travel.

5. At the outset, it may be noted that the Tribunal has already returned a categorical finding that the appellant had fallen from the train while attempting to board the same and that the occurrence qualified as an “untoward incident” under the Railways Act, 1989 (hereinafter referred to as the “Act”). The said finding has not been challenged by the respondent and has, therefore, attained finality. The only question which survives for consideration in the present appeal is whether the appellant was a *bona fide* passenger at the relevant time.

6. The law on the issue is no longer *res integra*. In “Union of India v. Rina Devi”¹, the Supreme Court held that mere absence of a ticket with an injured or deceased person would not negative the claim that he was a *bona fide* passenger. The initial burden lies upon the claimant, which can be discharged by filing an affidavit of the relevant facts, whereafter the burden shifts upon the Railways.

Applying the aforesaid principle to the present case, the appellant has categorically deposed that he had purchased a ticket of Rs.15/- for *Palwal* from *Okhla* Railway Station and had kept the same in his bag containing his clothes. When questioned by the Tribunal as to why he had kept the ticket in the bag, he explained that he used to keep the ticket in the bag due to the apprehension that it might otherwise be lost. This version is also consistent with the contemporaneous GRP record, wherein the appellant stated that he had purchased the ticket and put it in his bag which was lost in the

¹ (2019) 3 SCC 572



incident. The respondent, despite disputing his *bona fide* status, did not lead any cogent evidence to establish that the appellant had travelled without a ticket.

7. The aforesaid position finds further support from the decisions of this Court in similar decisions pertaining to injury claims. In “Raj Kumar v. Union of India”² this Court dealt with an injury claim where the journey ticket had not been recovered and, while relying upon Rina Devi (supra), held that the claimant’s affidavit stating that he had undertaken the journey after purchasing a valid ticket was sufficient to discharge the initial burden when the Railways failed to lead independent evidence to dislodge that assertion.

8. 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 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 21.09.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 01, 2026

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²2026 SCC OnLine Del 3242