



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

% Reserved on : 13.05.2026
Pronounced on : 22.05.2026
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+ **FAO 192/2024**

YOGESH KUMAR JAISWAL & ORS.Appellants

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

versus

UNION OF INDIARespondent

Through: Mr. Vikrant Nitesh Goyal, Ms.
Satvika Goyal, Mr. Yash and Mr.
Inderpreet Singh, Advocates
Mr. Virender Pratap Singh, Ms.
Shubhra Parashar and Mr.
Pushpender, Advocates for UOI

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 34749/2024 (seeking condonation of delay of 250 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 250 days in filing the appeal.
2. Learned counsel for the appellant submits that after passing of the judgment dated 26.06.2023, the appellant was unable to file the appeal within the prescribed time. It is further submitted that the appellant belongs



to an economically weaker section, and due to paucity of funds, was unable to get in contact with a counsel and obtain timely legal advice.

3. It is noteworthy that in *Mohsina vs. Union of India*¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant.

4. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decision as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.

5. Accordingly, the application is allowed and the delay of 250 days in filing the appeal is condoned.

6. The application is disposed of in the above terms.

FAO 192/2024

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 26.06.2023, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/15/2022.

2. The case set up before the learned Tribunal was that on 27.10.2021, one Sh. *Indresh @ Indresh Jaiswal @ Indresh Kumar Jaiswal* (hereinafter referred to as the “deceased”) while attempting to board Train No. 02416 from Platform No. 4 at *Hazrat Nizamuddin* Railway Station, he accidentally fell and suffered fatal injuries.

3. The Tribunal, upon appreciation of the material on record, held that though the deceased was in possession of a valid ticket, the present case

¹ (2017) SCC OnLine Del 10003



would fall within the exception carved out under proviso (d) to Section 124A of the Railways Act, 1989 (hereinafter referred to as the “Act”), namely, an act committed in a state of intoxication.

4. Learned counsel appearing on behalf of the appellants contended that the Tribunal erred in dismissing the claim application by invoking proviso (d) to Section 124A of the Act merely on the basis of presence of alcohol in the viscera report. It was submitted that the occurrence in question was otherwise an “accidental fall” while boarding the train and the respondent Railway Administration had itself admitted the same in the DRM report and contemporaneous railway records.

5. *Per contra*, learned counsel appearing on behalf of the respondent supported the impugned judgment and submitted that the present case is not one resting upon a mere allegation of alcohol consumption or smell of alcohol. It was submitted that the viscera examination conclusively established Ethyl Alcohol measuring 109.6 mg/100 ml of blood and the said scientific evidence remained wholly un rebutted. Learned counsel further submitted that the appellants neither disputed the integrity of the samples nor alleged any tampering, contamination or fortification thereof. It was also contended that the deceased, despite being in an intoxicated state, attempted to board a moving train, thereby attracting proviso (d) to Section 124A of the Act.

6. This Court has heard learned counsels for the parties and perused the record.

7. The controversy in the present appeal principally concerns applicability of proviso (d) to Section 124A of the Act, which is reproduced as hereunder:



"Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to-

- (a) suicide or attempted suicide by him;
- (b) self-inflicted injury;
- (c) his own criminal act;
- (d) any act committed by him in a state of intoxication or insanity;
- (e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident."

8. The Tribunal has rightly noticed that the alcohol concentration reflected in the blood sample was substantially higher than the permissible limit of 30MG/100ML as prescribed under Section 185 of the Motor Vehicles Act. Though the deceased was admittedly not driving a vehicle, the reference to the said provision was only for appreciating the degree of intoxication reflected from the scientific material placed on record.

9. Significantly, the appellants neither disputed the integrity of the samples nor alleged any tampering, contamination or fortification thereof. Merely because the forensic examination was conducted subsequently cannot by itself render the report unreliable, particularly when the seals on the exhibits were found intact and tallying with the specimen seal.

The quantification of alcohol content in the blood sample, therefore, remained completely un rebutted.

10. The Tribunal has also distinguished the decisions rendered in Sh. Bhola Nath v. Union of India² and Tuntun Kumar v. Union of India³. It was found that apart from a noting in the MLC that the injured was "smelling of alcohol", there was no material to establish intoxication and admittedly no

² 2019:DHC:5838

³ 2017: DHC: 7866



blood sample had been taken to ascertain alcohol content at the relevant time. It was in those facts that this Court held that mere smell of alcohol, by itself, could not establish a direct nexus between alcohol consumption and the injuries sustained in the fall from the train.

11. In the present factual matrix, however, the finding regarding intoxication does not rest merely upon “smell” or “allegation of consumption” of alcohol. The record contains a duly proved viscera examination report issued by the Forensic Science Laboratory, Government of NCT of *Delhi*, specifically recording presence of Ethyl Alcohol measuring 109.6 mg/100 ml of blood in the blood sample of the deceased. The report further records that the seals on the exhibits were found intact and tallied with the specimen seal. At no stage did the appellants dispute the preservation, sealing or integrity of the samples, nor was any suggestion of tampering, contamination or fortification put to any witness.

12. The material on record consistently establishes that the deceased had failed to board the train from the originating station and thereafter attempted to board Train No. 02416 from Platform No. 4 at *Hazrat Nizamuddin* Railway Station after the train had already started moving. Viewed alongside the unrebutted forensic evidence demonstrating substantially elevated alcohol concentration in the blood of the deceased, the Tribunal cannot be faulted for concluding that the case would fall within proviso (d) to Section 124A of the Act. In addition to the aforesaid, absence of any challenge to the genuineness of the viscera report, the Tribunal rightly relied upon the unrebutted forensic material placed on record.

13. Beneficial legislation undoubtedly deserves liberal interpretation. However, such interpretation cannot be stretched to defeat an express



statutory exception incorporated by the legislature itself.

14. Therefore, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

15. Accordingly, the present appeal is dismissed

(MANOJ KUMAR OHRI)
JUDGE

MAY 22, 2026

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