



IN THE HIGH COURT OF ORISSA AT CUTTACK

A.F.R.

FAO No. 271 of 2021

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

Kedarnath Panigrahi & Anr. ***Appellant(s)***
-versus-

Union of India ***Respondent (s)***

Advocates appeared in the case through Hybrid Mode:

For Appellant (s) : *Mr. Sambit Das, Adv.*

For Respondent (s) : *Mr. D.R. Bhokta, CGC*

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-09.09.2025

DATE OF JUDGMENT:-10.10.2025

Dr. Sanjeeb K Panigrahi, J.

1. The Appellants in the present appeal are challenging the dismissal of O.A./196/2017 before the Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar, wherein they had claimed compensation of Rs. 8,00,000/- with interest @ 6% on account of the death of their son, Shreedhar Panigrahi, who allegedly fell from the Punjab Mail on 07.07.2013 near Bhadila Railway Station.

I. FACTUAL MATRIX OF THE CASE:

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



- (i) The appellants filed Original Application No.O.A./196/2017 before the Railway Claims Tribunal, Bhubaneswar, seeking compensation of Rs.8,00,000/- for the death of their son, Shreedhar Panigrahi.
- (ii) It was the case of the appellants that the deceased was travelling on the Punjab Mail, having purchased a ticket from Jhansi Railway Station to Jalgaon Railway Station, when he accidentally fell from the moving train near Bhadila Railway Station, and that his ticket was lost in the alleged accident.
- (iii) The Respondent Railway contended that the deceased's death did not constitute an untoward incident under Section 123(c)(2) of the Railways Act, 1989, but fell within the exceptions enumerated in Section 124-A, including self-inflicted injury or the passenger's own criminal act.
- (iv) The Tribunal considered the pleadings of the parties, heard their arguments, and framed five issues for adjudication. It found that the appellants had failed to discharge the burden of proving that the deceased was a victim of an untoward incident as defined under Section 123(c)(2) of the Railways Act, 1989. The Tribunal further observed that the death may have arisen from causes falling within exceptions (a) to (c) of Section 124-A of the Railways Act.
- (v) Accordingly, the Tribunal held that the appellants were not entitled to compensation from the Railway Administration, and the issues were decided against them.
- (vi) Being aggrieved by the judgment dated 31.08.2021 in Original Application No. O.A./196/2017 passed by the Railway Claims Tribunal, Bhubaneswar Bench, the appellants have preferred this appeal.



II. SUBMISSIONS ON BEHALF OF THE APPELLANTS:

3. Learned counsel for the Appellants earnestly made the following submissions in support of his contentions:
- (i) The appellants submitted that the order of the Railway Claims Tribunal dated 31.08.2021, dismissing the Original Application, was based on a presumption that the deceased's death was not an untoward incident and fell within exceptions (a) to (c) of Section 124-A of the Railways Act, 1989, and that he was not a passenger. The Tribunal's order rested on conjecture rather than evidence and asserted that the conclusion was illegal, perverse, and liable to be set aside.
 - (ii) The appellants submitted that the police report clearly stated that the deceased fell from the Punjab Mail near Bhadila Railway Station, and the final police report confirmed that he fell from the moving train. The appellants contended that, despite having the RPF enquiry report, the respondent did not produce the enquiry officer to support their case.
 - (iii) The appellants submitted that A.W.-1 deposed that the deceased had purchased a ticket and was travelling on 07.07.2013 from Jhansi to Jalgaon Railway Station, and that he was last contacted by his deceased son at about 5 PM while the train was at Bhopal. The appellants contended that the respondent failed to produce any witness, including the RPF enquiry officer or loco pilot, to support the case of suicide.
 - (iv) The appellants submitted that the learned Tribunal erred in concluding that the incident was a case of suicide or being run over, as such incidents would necessarily be noticed by the loco pilot or other witnesses. The appellants contended that in the present case, the body was found on the DN track while the Punjab Mail was running on the



UP track, making the Tribunal's conclusion regarding the impossibility of the body falling from the train legally unsustainable.

- (v) The appellants submitted that the learned Tribunal failed to apply its judicial mind in concluding that the deceased was not a passenger. Under Section 138(1)(b) of the Railways Act, 1989, a passenger travelling in contravention of Section 55 is liable to pay the excess fare, and in case of doubt about the boarding station, the fare is calculated from the station where the train started.
- (vi) The appellants submitted that, under Section 106 of the Indian Evidence Act, the burden of proving facts within special knowledge lies on the person possessing such knowledge. This principle does not apply to a deceased passenger, and it is the duty of the Railway Administration to first produce evidence that the deceased was travelling without a valid ticket. In the present case, no evidence was produced by the Railway Administration, while A.W.-1 deposed that the deceased had purchased a ticket, and the final police report disclosed the recovery of six tickets from his possession.
- (vii) The appellants submitted that although travelling without a ticket is an offence under Section 138(4) of the Railways Act, 1989, there is a presumption of innocence in favour of the passenger under Section 114 of the Indian Evidence Act unless the Railway Administration proves otherwise. The appellants contended that nothing prevented the respondent from verifying the travel, and asserted that the deceased, Shreedhar Panigrahi, must be treated as a bona fide passenger of the Punjab Mail.



III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:

4. The Learned Counsel for the Respondent earnestly made the following submissions in support of his contentions:
- (i) The incident did not constitute an "untoward incident" under Section 123(c)(2) of the Railways Act, 1989, but fell within the exceptions under Section 124-A, including self-inflicted injury or the deceased's own criminal act. No valid journey ticket or travel authority was recovered at the time of inquest. The DRM investigation report indicated that the deceased was found lying in the middle of the railway track at KM No. 430/19-21, suggesting suicide, and the tickets recovered were old and not for the date of the alleged journey.
 - (ii) The Tribunal rightly held that the burden of proving an accidental fall from the train lay on the appellants. None of the witnesses were eyewitnesses to the alleged fall, and the deceased was first found lying on the track by the loco pilot, with no valid ticket recovered. The Tribunal observed that the mere presence of the body on the railway premises was insufficient to establish that the death occurred due to a fall from the moving train.
 - (iii) The positioning of the body on the DN track raised doubts as to whether the deceased had actually fallen from the train. In a typical accidental fall, a person would likely fall away from the track, and forces near platforms could influence the body's trajectory. In this case, no such obstruction existed, making it improbable that the body ended up in the middle of the track by accidental fall. The absence of a valid journey ticket and the circumstantial evidence did not support the claim that the



deceased had travelled on the train at the relevant time or suffered an untoward incident.

- (iv) The Tribunal rightly concluded that the appellants had failed to discharge the burden of proof to show that the deceased was a victim of an untoward incident under Section 123(c)(2) of the Railways Act, 1989. The death appeared to result from causes falling under exceptions (a) to (c) of Section 124-A. Accordingly, the Tribunal rightly held that the appellants were not entitled to compensation, and the claim application was dismissed.

IV. FINDINGS OF THE RAILWAY CLAIMS TRIBUNAL, BHUBANESWAR

5. The Tribunal heard learned counsel for the parties and framed the following issues for determination: (i) whether the death of the deceased was the result of an accidental fall as contemplated under Section 123(c)(2) of the Railways Act, 1989; (ii) whether the deceased was travelling as a bona fide passenger at the time of the alleged incident; (iii) whether the Railway Administration was protected under Section 124-A of the Act; and (iv) whether the applicants were entitled to compensation as dependents.
6. Upon consideration of the material on record, the Tribunal noted that no valid journey ticket or travel authority was recovered from the person of the deceased. The DRM investigation further recorded that the body was found in the middle of the track, while the tickets produced during investigation were old and unrelated to the date of the alleged journey.
7. The Tribunal observed that the burden of proving an accidental fall from the train squarely rested on the appellants. None of the witnesses examined were eyewitnesses to the fall, and the mere recovery of the



body from the railway track was insufficient to establish that the death occurred due to an accidental fall. The peculiar positioning of the body on the DN track created further doubts, inasmuch as, in a typical accidental fall, a passenger would ordinarily be propelled away from the track. In the present case, no obstruction existed alongside the track that could have diverted the trajectory of the fall, rendering it improbable that the deceased had fallen from the train.

8. The Tribunal also adverted to inconsistencies in the claimants' version regarding the train allegedly boarded by the deceased. None of the tickets on record corresponded to the alleged journey on the Punjab Mail, and the surrounding circumstances did not corroborate the claim that the deceased had undertaken such travel.
9. In view of the aforesaid, the Tribunal concluded that the appellants had failed to discharge the burden of proof so as to establish that the deceased was a victim of an untoward incident within the meaning of Section 123(c)(2) of the Railways Act, 1989. On the contrary, the circumstances suggested that the death arose from causes falling within the exceptions carved out in Section 124-A. Consequently, the Tribunal dismissed the claim application on merits, holding that the appellants were not entitled to compensation.

V. THE COURT'S REASONING AND ANALYSIS:

10. Heard learned counsel for the parties and perused the material on record.
11. The central issue which arises for consideration is whether the Tribunal was justified in holding that the deceased was not a bona fide passenger



and that the death did not constitute an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989.

12. Such incidents attract statutory liability under Section 124-A, which prescribes compensation to passengers or their dependents, subject only to the exceptions enumerated therein. For reference, Section 124-A of the Railways Act, 1989, is reproduced hereinunder:

“124-A. Compensation on account of untoward incidents.—When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

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.*

Explanation.—For the purposes of this section, “passenger” includes—

- (i) a railway servant on duty; and*



(ii) *a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident."*

13. It is trite law that unless the Railway Administration successfully pleads and proves the applicability of any of the statutory exceptions, liability for compensation under Section 124-A is automatic and strict in nature. The Railway Administration cannot avoid such liability by relying upon absence of fault or negligence on its part.
14. It is equally well settled that the mere non-recovery of a ticket from the deceased is not by itself conclusive to negate the status of a bona fide passenger.
15. The Supreme Court in *Union of India v. Rina Devi*¹, clarified that once the dependents disclose material facts regarding the journey, the burden shifts to the Railway Administration to establish either the absence of bona fide travel or the applicability of the statutory exceptions. The relevant observation is extracted hereinbelow:

"29. We thus hold that mere presence of a body on the railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The

¹(2019) 3 SCC 572.



legal position in this regard will stand explained accordingly."

16. Tested on the touchstone of the above principles, it falls for consideration whether the appellants discharged their initial burden and whether the Railway Administration has demonstrated that the death falls within the statutory exceptions.
17. On scrutiny of the evidence, it emerges that no valid journey ticket for travel from Jhansi to Jalgaon was recovered from the deceased. The tickets found in his possession were admittedly unrelated to the journey in question.
18. However, non-recovery of a ticket cannot be treated as conclusive proof against the status of bona fide passenger.
19. The appellants relied on the inquest report, post-mortem examination, and the testimony of A.W.-1, father of the deceased, who deposed that he last contacted his son at 5:00 PM while the train was at Bhopal, and the deceased was en route to Jalgaon. They also highlighted the recovery of several tickets from his person, urging that at least one could have corresponded to the journey in question.
20. The Railway Administration, on the other hand, relied on the DRM investigation report and final police report to contend that the deceased's death did not constitute an untoward incident, but fell within exceptions (a) to (c) of Section 124-A, namely suicide, self-inflicted injury, or his own criminal act. The DRM report noted that the deceased was found lying in the middle of the DN track at KM No. 430/19-21, and that the tickets recovered were old and unrelated.



21. No eyewitness was examined to the alleged accidental fall, and even the loco pilot, who first saw the body, was not produced as a witness.
22. While the Tribunal placed significant weight on the DRM report suggesting suicide, it is necessary to examine the probative value of such administrative reports. Investigation reports by the DRM or the police, including inquest reports, are not conclusive evidence of suicide. They are administrative in nature and cannot substitute for evidence required to establish the applicability of statutory exceptions under Section 124-A. The burden to conclusively prove that the death falls within exceptions (a) to (c) lies on the Railway Administration, and mere inference or suspicion is insufficient.
23. The Tribunal also emphasized the positioning of the body on the DN track as being inconsistent with a fall from a moving train. It was argued that, in a typical accidental fall, the body would be found away from the track, or forces near platforms would influence its trajectory. While such reasoning may appear plausible, it is not conclusive. The dynamics of a fall from a moving train can vary based on numerous factors such as train speed, body movement, and timing of the fall relative to the train's motion. Consequently, such positioning alone cannot definitively establish suicide or negate accidental fall.
24. The repeated references by the appellants to the presence of multiple tickets, and the contention that the deceased was travelling in search of work, further indicate that the deceased could well have been a bona fide passenger. The absence of a valid ticket for the specific journey, while raising a factual query, cannot automatically trigger the exceptions under Section 124-A.



25. Furthermore, the Tribunal noted inconsistencies in the appellants' statements regarding the train allegedly taken. While such inconsistencies might ordinarily affect credibility, they must be weighed against the statutory purpose of Section 124-A, which seeks to provide a benefit of compensation to passengers and their dependents in case of untoward incidents. Minor inconsistencies or uncertainties in evidence regarding exact train details should not be permitted to defeat a claim where the broader circumstances indicate travel by the deceased.
26. Further, the Railway Administration's reliance on the DRM report to assert suicide lacks corroboration. The administrative report itself indicates that conclusions are drawn from circumstantial observations, such as the position of the body and the absence of a valid ticket. There is no direct evidence of suicidal intent, self-infliction, or criminal act. Consequently, the statutory exception under Section 124-A cannot be invoked lightly based on suspicion or inference alone.
27. Applying these legal principles to the facts of the present case, it emerges that although the factual record presents certain gaps, a balanced legal analysis indicates that the appellants' case for compensation is stronger than that of the Railway Administration, as the latter has failed to meet the evidentiary standard required to invoke the exceptions under Section 124-A of the Railways Act, 1989. The initial burden has been discharged by the appellants, but the burden which shifted to the Railway Administration has not been discharged.

VI. CONCLUSION:

28. In view of the foregoing discussion, and upon a comprehensive appraisal of the evidence on record, this Court is persuaded to hold that



the finding of the Tribunal, denying the status of bona fide passenger to the deceased and consequently rejecting the claim, is unsustainable.

29. The appellants, having discharged their initial burden by placing material facts and documentary evidence, were entitled to the statutory presumption in their favour, whereas the Railway Administration has failed to rebut the same by proving the applicability of any of the statutory exceptions under Section 124-A of the Railways Act, 1989. The denial of compensation by the Tribunal, thus, stands vitiated by an erroneous appreciation of law and facts.
30. The appeal is **allowed**.
31. The impugned order is set aside, and the appellants are held entitled to statutory compensation of ₹8,00,000/- (Rupees Eight Lakhs only), together with interest at the rate of 6% per annum from the date of filing of the claim application until the date of actual realization.
32. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

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