

BEFORE THE RAILWAY CLAIMS TRIBUNAL
CHENNAI BENCH

Dated this 27th day of July, 2018

Present:

Mr. Justice K.Kannan, Hon'ble Chairman (on Circuit Bench sitting)
Mr. M.Sarjana Rao, Hon'ble Member (Technical)

**Untoward Incident at St.Thomas Mount Railway station on
24.07.2018**

ORDER

Additional Registrar has made available to us a note drawn on 27.07.2018 referring to the facts on visit to the spot, on being told to do so, where there was a gruesome untoward incident of passengers in a Beach - Tirumalpur EMU train No.40701 getting hit by a concrete fencing made at St. Thomas Mount Railway station between the track and the platform. 4 of the passengers died and 5 more were grievously injured.

The incident has evoked deep public sympathy and serious issues of safety for passengers. We are informed that a statutory investigation is under process. There have been prodigious output of media information also on this incident.

The Railway administration is quick to realise that on that particular day the train was diverted through Express lanes that seemed by hindsight posed enormous risk to persons who were commuters standing near the doorway in EMU trains. We will observe that EMU trains have no foot boards and doors are not shut while the trains are in motion. The commuters themselves stand by the open door not by choice but by compulsion due to non-availability of seats and for the necessity to reach their offices by calls of duty.

The reports of newspapers indicate how the EMU train No.40701 that caused the casualties was got diverted to Express track on platform No.4 when the train must have been received at St. Thomas Mount on suburban





track No.2. Post this incident the Railway administration itself appears to have taken steps not to run the suburban trains on the Express lanes.

If death and injuries were admittedly of persons who were travelling in train, there is surely evidence of the fact that they were passengers and in order to find eligibility pertaining to compensation we will only see whether they had lawful authority to travel as well. In a traumatic incident such as this, we will not be surprised if the train tickets themselves were not available or not recovered from the bodies of the dead persons or the injured. To us, prima facie, there is proof available that they were passengers and we will still look at any particular factual situation that the Police investigation could reveal any other casualty.

The Railways Act, 1989, that places liability on the Railway administration casts strict liability norms for assessment of compensation fixed on the terms provided through the Railway Claims Tribunal Act, 1987 and Rules. The Act of 1987 is enacted, inter alia, for the purpose of speedy disposal and to ensure that compensations are released to parties without putting them through the tough rigmorale of long drawn litigation.

Keeping in mind the purpose for which the Act has been made and to ensure that the benefit of compensation reaches the aggrieved families at the earliest without any pilferage, we take suo moto action based on the information submitted through the note of Additional Registrar on 27.07.2018. The note shall form part of the records.

We direct that Application numbers are assigned and registered in the file against the names of 4 deceased and 5 injured persons individually. Notice is directed to be taken to the (1) Government of India through General Manager/Southern Railway (2) Inspector General of Police/Government Railway Police, Railway Police Campus, 4th floor, CB CID Building, Old Commissioner Office, Pantheon Road, Egmore, Chennai – 600 008 and (3) Chief Security Commissioner/Railway Protection Force, 6th floor, Moore Market Complex, Chennai – 600 003 as Respondents 1 to 3.





It shall be the duty of Respondents 2 & 3 to furnish all the copies of Police records and also to furnish information regarding the families of dead persons who will qualify as dependants under the Act. We have the benefit of addresses of all the injured persons as well as the persons who have died. The information lacking is only with reference to the names of dependants of the deceased persons. The Registry shall include the names of dependants in files opened with names as deceased in respect of whom applications are directed to be registered and the Tribunal will adopt flexible approaches to make amendments with appropriate details that are disclosed. The Railway Claims Tribunal Act provides through Section 18 that the claims shall not be bound by the procedure laid down in CPC but shall be guided by the principles of natural justice and the Claims Tribunal will have the powers to regulate its own procedures including fixing of places and times of its enquiry. Expeditious disposal is the hallmark set out in Section 18(2). The provisions of the Act shall have effect notwithstanding anything inconsistent or that contained in any other law for the time being enforced.

The Railway Claims Tribunal (Procedure) Rules, 1989 sets out a procedure for filing application and authorises Additional Registrar / Assistant Registrar, as the case may be, to admit the application and enables even the receipt of Application received by registered post. We direct that such applications will be prepared when the requisite details are available and seek assistance of a Counsel that may be appointed for this purpose.

The notification prescribed under the Rules set out fixed compensation of Rs.8 lakhs for the cases of death and varying amounts up to Rs.8 lakhs for injuries, depending on the nature of injuries. In our view the ends of justice will be served if Rs.8 lakhs each is deposited in cases of death to the credit of Railway Claims Tribunal as against each case numbers which will be assigned, the details of which will be furnished by the Registry. As regards cases of death, the families will be released Rs.2 lakhs immediately by way of interim orders as soon as all the details of accounts

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are brought out through the Applicants. All the deceased persons are aged in the range of 15 to 25 years and we would believe that parents are the only dependants. If in any case any one of them is found to be married and the wife is available, the amount shall be first be given to the spouse in preference to other persons.

As regards the cases of injury, we will direct an amount of Rs.2 lakhs to be deposited for each case initially. From out of such deposited amount, Rs.50,000/- shall be released for each one of the Applicants who are injured persons, through their Bank accounts, the details of which shall be furnished to the Registry. These amounts which are ordered to be released shall be adjusted against any final adjudication that may be made after the applications are duly filled up with details and filed in the manner that the Rules prescribed.

We further direct that the amounts that we have directed through this Order shall be paid to the credit of Railway Claims Tribunal within 15 days of receipt of copy of this Order. The Presenting Officer, Shri K.Vijayaprasad, is directed to take notice on behalf of Respondent No.1. The copy of this Order is directed to be sent through email as well as by the usual form of communication duly certified and despatched today itself to all the Respondents.

Call for compliance of directions and for eliciting all the information in the manner referred to in the Order on 17.08.2018


(M.Sarjana Rao)
Member/Technical


(K.Kannan)
Chairman
(on circuit Bench sitting)