

**BIHAR HUMAN RIGHTS COMMISSION**

*9, Bailey Road, Patna*

**File No. BHRC/Comp. 05/2016**

**Case of Sri Madan Kr. Mishra (Case of Negligence by Railway authorities)**

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**09.02.2017**

Applicant present. Heard.

Allegation of the petitioner is about his not reaching to the destination for which he had reservation ticket due to entrance of students in the coach who forced them to get down from the coach. In that course the petitioner's suitcase was taken away by some miscreants due to act of students. Suitcase was containing some clothes and ornaments along with cash.

Taking place of the incident is not denied by Railway. The only liability of fare and damages caused to the petitioner is denied on the ground that fare is not returnable in case the same was not informed on time. It is not the case in which petitioner did not come to travel by the train nor any circumstances appeared with him preventing him to travel by the train; rather he could not travel due to inaction of the Railway in preventing the students from entering the coach. If that is the position then Railway is liable for payment of fare as well as all the damages caused to the petitioner. In this regard it is made clear that petitioner had reserved tickets for Rs.1752.80 and claiming loss of Rs.60,000 due to disappearance of his suitcase with its contents.

In the circumstances stated above the Railway is liable to compensate the petitioner the amount of fare of Rs.1752.80 and loss of his articles amounting to Rs.60,000 for which Commission is recommending. This amount be paid within a month.

Inform the parties. Compliance report be filed by 20.04.2017.

List on 26.04.2017.

**Sd/-**

**(Justice Mandhata Singh)**  
*Acting Chairperson*