

Court No. - 17

Case :- WRIT - C No. - 1000210 of 2011

Petitioner :- Senior Divisional Personnel Officer
Railway Div.

Respondent :- Sri Sripal And Ors.

Counsel for Petitioner :- Arvind Kumar, Ajit
Kumar Dwivedi, Pratul Kr. Srivastava

Counsel for Respondent :- C.S.C., Shrikant
Mishra

Hon'ble Alok Mathur, J.

Shri Ajit Kumar Dwivedi, learned counsel is present for the petitioner and Shrikant Mishra if present for opposite party no.1.

A perusal of the order sheet indicates that the petitioner was directed to file a response to the affidavit filed by the respondent and as the same was not filed direction was issued for filing same and in absence of the same the Senior Divisional Personnel Officer Railways was directed to remain present.

The rejoinder affidavit has been filed and sworn by Rahul Yadav, Senior Divisional Personnel Officer North Eastern Railway, U.P. The same is taken on record.

It has been submitted by the learned counsel for the petitioner that after a settlement was arrived at between the parties and the Railway had agreed for payment of ex gratia pension to the widow of the workman and as per the terms of settlement both the parties were directed to submit an implementation report within 30 days from the date of settlement, i.e., 30.3.2007, an order was passed on 25-11/12-2010 by the Regional Labour Commissioner (Central), Lucknow wherein he had directed the Collector to initiate action for recovery of the due amount from the Department in favour of the petitioner.

The petitioner has approached this Court challenging the said order solely on the ground that it could not be demonstrated before the Labour Court that the respondent no.1 is the son

of the workman.

It is in the aforesaid circumstances that respondent no.1 had applied for a succession certificate and a succession certificate had been obtained by him on 24.01.2016 and the same was submitted on behalf of the respondent and an affidavit to the said effect was also filed before this Court.

It is to ascertain the said fact that this court had asked the petitioner to file the response. The petitioner had filed their affidavit on 17.11.2023 wherein it was stated in para 3 that succession certificate filed by the respondent no.1 is misplaced in the office but subsequently they got a copy of the succession certificate filed by respondent no.1 and once such succession certificate has been received by the petitioner they have submitted that they are satisfied with the fact that respondent no.1 is the son of the deceased workman Sampat.

It is in the aforesaid circumstances the petitioner submits that he does not want to press the present writ petition and the amount deposited before this Court as per order dated 13.01.2011 is directed to be released in favour of the respondent no.1.

This petition is disposed of with the consent of the parties that the amount deposited by the petitioner is directed to be released in favour of respondent no.1 forthwith on an application being made by him before the Senior Registrar of this Court. In case the said amount has been deposited in the interest bearing amount the money shall be returned along with interest accrued on the said deposit.

Order Date :- 22.11.2023

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(Alok Mathur, J.)