

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.113 of 2025

Smti. Pratima Paul and Another

.....Petitioners

_V_E_R_S_U_S_

General Manager, Sr. Trackman under
N.F. Railway, Govt. of India and 3 Others

.....Respondents

For Petitioner(s)	:	Mr. D. C. Roy, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI. Mr. D. Bhattacharya, G.A. Ms. A. Chakraborty, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

03.03.2025

Heard.

[2] This is a petition filed under Article-226 of the Constitution of India for a direction to the respondents to pay family pension equally of the deceased who died on 26.01.2021 in favour of the petitioners No.1 and 2 and the respondent No.4 and also mother-in-law of the petitioner No.1.

[3] The petitioner has prayed for the following reliefs:

“i. Admit this petition.

ii. Issue notice upon the respondents.

iii. Call for the records from the office of the respondents.

iv. After hearing the parties be pleased to divide equally the pension benefit to the petitioners i.e. Pratima Paul & Miss. Priyajani Paul and respondent No.(IV) and also mother-in-law namely Smt. Puspa Rani Paul.”

[4] The facts in brief are that the husband of the petitioner late Narayan Ch. Paul died on 26.01.2021. Narayan Ch. Paul [now deceased] was a Sr. Trackman, N.F. Railway, Maligoan, Guwahati-II, posted at Agartala, Railway Station. The petitioner is the 2nd wife of Lt. Narayan Ch. Paul and the petitioner No.2 is the minor daughter of the daughter. After the death of the Narayan Ch. Paul, the petitioner collected death & survival certificate. The petitioner married with the Narayan Ch. Paul on 12.11.1998. Later on, after the death of the Narayan Ch. Paul, the petitioner come to know that her husband married with Gita Rani Paul in the year 1987 and getting regular maintenance order was enhancement subsequently. Thereafter, the petitioner contacted with said Gita Rani Paul and

discussed about the matter. Said Gita Rani Paul and Pratima Paul enter into an agreement on 03.05.2023 before the Notary Public, Dharmanagar, vide SL.1018 and executed the agreement with terms & conditions. After the death of Narayan Ch. Paul the elder daughter namely Piyali Paul of the petitioner applied for job on compassionate ground, die-in-harness scheme. The said daughter unfortunately died on 14.10.2023.

[5] As the petitioners and the 1st wife Gita Rani Paul is not getting any family pension from the Railway Dept. the present petition has been preferred before this Court for redress.

[6] The securitization company brought out a sale notice fixing the minimum price at Rs.46,00,000/- and ultimately by an unfair deal sold it to respondent No.3, but without possession. The price of the proceeding land was shown to be much lower than its actual value. During pendency of the case before DRT the respondent No.4 unfairly sold it to respondent No.3 and the bank creditor of the loan could have asked the petitioner loanee or anyone else whether he can sell the land and make payment of the outstanding loan but the bank acted unfairly and did not got to the loan for appropriate person and finding no other alternative for fair ends of justice petitioner filed the instant writ petition..

[7] Learned counsel appearing for the petitioners has submitted that the present petitioner Pratima Paul was married with Narayan Chandra Paul in the year 1998 and her marriage was registered in the office of the SDM, Kailasahar. Vide No. F.I (20)/ SDM/JDL/KLS/07. the Railway Department also issued medical card No.13467707351B in favour of the petitioner as wife of deceased Narayan Ch. Paul and her daughter Miss. Priyajani Paul medical card No.13467707351D as daughter of the deceased Narayan Ch. Paul issued by issuing authority of N.F Railway Construction, Central Hospital, Maligoan, Guwahati-II.

[8] The petitioner has got family ration card and the card No. 1604101171003-1-589 of vill. Sukanta Nagar under Kumarghat RD Block, Unakoti Tripura wherein the name of the petitioners are recorded as family members of the deceased Narayan Ch. Paul. The petitioner and Gita Rani Paul sworn a memorandum of the agreement before the Notary Public on 3rd May 2023 Vide. SL.1018 dated 03/05/2023 regarding share of after death benefits of the Lt. Narayan Chandra Paul, Ex. Sr. Trackman, CON/AGTL Under Dy. CE/CON/AGTL in N.F

Railway, Stating the various terms and condition about the benefits of monthly pension between the petitioner Pratima Paul, 2nd wife and Smt Gita Rani Paul, the 1st wife.

[9] In this said agreement it was further stated that the elder daughter namely Piyali Paul of Smt Pratima Paul, 2nd wife will get employment on compensate ground and in that case the 1st wife Gita Rani Paul have no objection. Copy of the agreement dated 03rd May 2023 before the Notary Public is enclosed and marked as Annexure-I. It is pertinent to mention here that the eldest daughter Piyali Paul aged about 23 years earlier filed a petition to get a job under die-in-harness scheme, due to sudden death of the said daughter Piyali Paul on 14th October 2023, the petitioner mentally perturbed and tremendous shock and there after minor daughter Miss. Priyajani Paul claimed job under die-in-harness scheme. The said daughter is a student of class XI, Dharmanagar BBI School.

[10] It has been further contended that the petitioner has been passing her days with starvation and hardship and she is unable to bear the expenses of prosecution of studies of her younger minor daughter. If the pension is not settled the petitioner will suffer the irreparable loss.

[11] The petitioner is claiming pension along with her mother-in-law Smti. Puspa Rani Paul and Smt Gita Rani Paul, the 1st wife of Lt. Narayan Ch. Paul and the younger daughter namely Priyajani Paul. It is submitted by the petitioner that in this service record of her husband the name of the petitioner along with her two daughters has been recorded. The family pension is required to be given to the beneficiaries of the deceased employee who died on 26.01.2021. So it requires interference by this court.

[12] Having heard the learned counsel appearing for the parties, this Court is of the opinion that the petitioner is the second wife married in 1998 and the first wife got married in the year 1987. Narayan Ch. Pal died on 2021 so the first wife is the unofficial respondent. According to the petitioner, there is a private agreement amongst themselves regarding settlement of death benefits and pension of the deceased. For non-implementation or non-consideration of their request, they have filed this present petition under Article-226 of the Constitution of India.

[13] There is no impugned order to adjudicate the matter afresh and thus, the writ is not maintainable under 226 for adjudication and the private agreement

between both first and second wife of the deceased cannot be looked into under Art.226 and the petitioners have also not placed anything on record as to whether they have approached before the concerned respondents and what decision they have taken upon the said request. As such, in absence of the same, the present petition devoid of any merits and thus, dismissed.

[14] Accordingly, the present petition stands dismissed. As a sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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