

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15838 of 2012

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Bulki Devi Widow Of Late Rameshwar Mandal R/O Village- Nardhu Tola,
Basaitha, P.S. & P.O.-- Chausa, District- Madhepura

.... Petitioner/s

Versus

The General Manager, North Central Railway, Allahabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Respondent/s : Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 09-12-2015 Heard the parties.

The widow of Late Rameshwar Mandal has filed the present writ petition for a direction commanding the respondent-North Central Railway (NCR) Allahabad to grant compensation for having caused the death of her husband by a criminal deed of the employee of the Railway. It is stated that while the husband was traveling on a train along with the petitioner and the train had left the Allahabad station, the two Ticket Examiners (TTEs) abused and pushed them from the running train. The husband of the petitioner got severely injured and subsequently died. In paragraph 12 of the writ application, it has been stated that the petitioner has no alternative remedy in the case and therefore the writ petition.

In the counter affidavit, the respondent has stated that on the matter being reported in the newspaper, the National Human Rights Commission (NHRC) suo motu took cognizance and after concluding the proceeding in which the respondent was given opportunity by placing on record diverse materials, the NHRC awarded compensation to the petitioner which was paid to her. In the year 2013. The counter affidavit further discloses that the petitioner before filing of the writ petition has filed a claim before the Railway Claims Tribunal vide O.A. No. 237 of 2011 on 9th September, 2011 which is pending consideration.

Considering the above, this Court is not inclined to entertain the present writ petition. The same is dismissed.

Dismissal of this writ petition shall however not preclude the petitioner from pursuing her application for adequate compensation in the pending claim before the Tribunal.

(Kishore Kumar Mandal, J)

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