

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 39607 OF 2014

ORDER:

The petitioner herein challenges the correctness of the orders passed on 12.11.2010 by the Divisional Office of the South Central Railway, Vijayawada Division. It appears, one Sri N. Rayalu, Technician-II died on 26.07.2010. Since he was a servant of the Ministry of Railways, Government of India, certain terminal benefits in the form of gratuity, provident fund, encashment of earned leave and family pension are liable to be disbursed. The petitioner herein made a claim for settlement of those terminal benefits setting out that she was the wife of the deceased Sri N. Rayalu. However, it appears, there was a parallel claim by Smt. N. Roshi, on whose behalf, a legal notice was also delivered to the Divisional Office of the Railways, claiming entitlement for payment of the terminal benefits. The case of the petitioner is that the individual, while he was in service, for obtaining free passes for travelling by the Railways, has shown her name as his wife apart from naming two sons and a daughter therein. On the strength and basis of this declaration of the individual employee coupled with the 'No Objection Certificate' issued by the Tahsildar, Rajahmundry Urban disclosing that the petitioner herein was the wife of the deceased Rayalu, the terminal benefits payable to the dependents of Sri Rayalu have been claimed.

Essentially, the dispute relates to the terminal benefits being receivable upon the death of a civil servant of the Ministry of Railways. The jurisdiction to adjudicate upon such disputes is conferred, in terms of Section 14 of the Administrative Tribunals Act, 1985, on the Central Administrative Tribunal. To that extent, the jurisdiction of the High Court stands eclipsed, so that the aggrieved person must get the claim adjudicated, at the first instance, before the Central Administrative Tribunal before he steps into this Court, as held by the Supreme Court in ***L. Chandra Kumar v. Union of India***^[1]. In that view of the matter,

this Writ Petition is liable to be dismissed at the admission stage. No costs.

It is needless for me to observe that no part of this order can be construed as a pronouncement of any final opinion on the merit or the lack of it in the claim of the petitioner.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

21st January 2015

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[\[1\]](#) (1997) 3 SCC 261