

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10462 of 2016

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Vinod Kumar, S/o Late Jhingan Yadav, resident of Village- Paniyalachak, P.O.-
Patam, P.S.- Naya Ram Nagar, District- Munger.

.... Petitioner/s

Versus

1. The Union of India through the G.M., Eastern Railway, 17 Netaji Subhas Road,
Kolkata- 700001.
2. Divisional Railway Manager, Eastern Railway, Malanda.
3. The Senior Divisional Personnel Officer, Eastern Railway, Malda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate.

For the Respondent/s : Mr. D.K. Sinha, Senior Advocate.

Mr. Satyeshwar Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-08-2016

Heard learned counsel for the parties.

2. The order dated 12th of April, 2016 passed by the
Central Administrative Tribunal, Patna Bench, Patna (for short “the
Tribunal”) in O.A. No. 050/00292 of 2016 is subject matter of
challenge in the present writ application.

3. The petitioner has claimed the following relief:-

“The respondents authorities be directed to pay the one day salary of late Jhingan Yadav, Exgratia lump sum compensation amount to the applicant as well as special family pension.”

4. The learned Tribunal has found that on the basis of representation, submitted by the petitioner, compensation of Rs. 3,38,990/- has been deposited by the Senior Divisional Personnel Officer on 7th of June, 2012. Once the petitioner has been awarded compensation under the Workmen's Compensation Act, 1923, an Original Application to claim compensation from the Tribunal would not be maintainable as petitioner has elected his remedy to claim compensation under the Workmen's Compensation Act, 1923. It is also held that the petitioner as a son of the deceased, who is married and 31 years of age, is not entitled to Special Family Pension after the death of his father.

5. We do not find any merit in the present petition. The petitioner has elected his remedy to seek compensation under the Workmen's Compensation Act, 1923. Once compensation has been awarded under the Act, the Petitioner cannot claim compensation from another forum. Still further, the petitioner is married son and thus not eligible for family pension which is meant for widow or unmarried dependant daughter. In view thereof, we do not find any

merit in the present writ application. The same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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