

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.2298 OF 2015**

[Kalpana wd/o Anurag Naik and one .vs. General Manager, South East Central Railway, Bilaspur and one]

-----  
 Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders  
 -----

Court's or Judge's orders

-----  
 Shri K.C. Deogade, counsel h/f Shri A.M. Sharma, counsel for the petitioners,  
 Shri S.R. Jaiswal, counsel h/f Shri V.M. Gadkari, counsel for the respondents.  
 -----

**CORAM : SMT. VASANTI A. NAIK AND**  
**A.S. CHANDURKAR, JJ.**

**DATED : MARCH 04, 2016.**

By this writ petition, the petitioners seek a direction to the respondents to decide the representation of the petitioners, dated 25.3.2015 for grant of pensionary benefits to the petitioner no.1 and employment to the petitioner no.2. The petitioners also seek a direction to the respondent no.2 to grant employment to the petitioner no.2 on compassionate ground.

According to the petitioners, the husband of the petitioner no.1 was employed in the service of the respondent no.2–Divisional Railway Manager, South East Central Railway at Bilaspur and he died, while in service, at Bilaspur on 25.2.2014. The petitioner no.1 sought the retiral benefits payable to the deceased employee for herself and compassionate appointment to the petitioner no.2, the son of the deceased employee. A representation was made by the petitioners on 25.3.2015 for seeking the relief. In the aforesaid set of facts, the petitioners have sought the direction to the respondent no.2 - Divisional Railway Manager, South East Central Railway, Bilaspur to grant the retiral benefits of the deceased to the petitioner no.1 and compassionate appointment to the petitioner no.2.

The learned counsel for the respondents has raised preliminary objection to the tenability of the writ petition at the Nagpur Bench of the Bombay High Court. It is stated that the cause of action, even a fraction thereof, does not arise within the territorial jurisdiction of the Nagpur Bench. It is stated that the husband of the petitioner no.1 was working at Bilaspur till his death and the petitioners had addressed the communication for seeking the retiral benefits and compassionate appointment to the General Manager, South East Central Railway, Bilaspur. The General Manager, South East Central Railway, Bilaspur appears to have already informed the petitioners that it would not be possible for the railways to release the retiral benefits of the employee to the petitioner no.1 and grant appointment to the petitioner no.2 on compassionate ground, as there is a dispute between the petitioner no.1 and the alleged second wife of the deceased employee, who is also named Kalpana. It is stated that, by the said communication, the petitioners were asked to seek an adjudication on the issue in regard to the dispute between the two women, who claim to be the widows of the deceased employee, through a Competent Court and then approach the General Manager, South East Central Railway, Bilaspur for further action.

We find that this court would not have jurisdiction to entertain the writ petition. It would be necessary for the petitioners to approach the court at Bilaspur, if the petitioners are desirous of challenging the action on the part of the General Manager, South East Central Railway, Bilaspur in asking the petitioners to get the dispute in respect of the subsistence of the petitioner no.1's marriage with the deceased employee resolved through a Competent Court and then approach the General Manager, South East Central Railway, Bilaspur for further action. Since the deceased employee was employed by the General

Manager, South East Central Railway, Bilaspur and was working till his death at Bilaspur and since the petitioners had also applied to the said authority for grant of pensionary benefits and compassionate appointment, we find that no part of cause of action would arise within the territorial jurisdiction of this court. It would be necessary to refer to the judgment of the Hon'ble Supreme Court reported in (2007) 11 SCC 335 [Alchemist Ltd. and another .vs. State Bank of Sikkim and others] and the order of this court, dated 23.2.2016 in Writ Petition No.1880/2015 [Rahul Kisnaji Telang .vs. Government of India, through Secretary, Ministry of HRD, New Delhi and others] in this regard.

In view of the aforesaid, we decline to entertain the writ petition. The writ petition is disposed of. It would be open for the petitioners to file appropriate proceedings in Chattisgarh. Order accordingly. No costs.

**JUDGE**

**JUDGE**