

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10953 of 2016**

- =====
1. The Union of India through the General Manager, E.C. Railway, Hajipur, Bihar.
  2. The Divisional Personnel Officer, E.C. Railway, Mugalsarai.
  3. The Divisional Railway Manager, E.C. Railway, Mugalsarai.
  4. The Assistant Engineer, E.C. Railway, Dehri-on-Sone, Rohtas at Sasaram.
  5. The Railway Inspector, E.C. Railway, Dehri-on-Sone, Rohtas at Sasaram.

.... .... Petitioners

Versus

Most. Kerari Devi, W/o Late Ram Barat, R/o Village- Adhar Bigha, P.O.- Malwa,  
P.S.- Obra, District- Aurangabad.

.... .... Respondent

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**Appearance :**

For the Petitioners : Mr. Devendra Kr. Sinha, Sr. Advocate  
Mr. Bijay Kumar Sinha, Advocate  
For the Respondent : Mr. Raj Kishore Prasad, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 16-02-2017**

Since the Tribunal has put the ball in the court of the petitioners itself, they have all the freedom to consider and decide the issue whether the applicant has a right to claim benefit of family pension etc.

The Tribunal had occasion to pass such an order keeping in view that on similar issues they have rendered several judgments passed on the decisions of High Court and the Hon'ble Supreme Court.

The Court fails to understand as to what is so offensive



about the direction that the writ is required to be filed.

Let petitioners consider the direction of the Tribunal  
and take appropriate decision without further delay now.

Writ has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Rajesh/-

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