

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2387 of 2017

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Maya Peter W/o Late Ashok Kumar Peter, Resident of House No.-772, Samiksha Town, Phase-II, S.P. Mukherjee Ward, North Civil Lines, Jabalpur (M.P.).

.... Petitioner/s

Versus

1. The Union of India through Ministry of Rail, Rail Bhawan, New Delhi
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. The General Manager, East Central Railway, Hajipur.
4. The Chief Personnel Officer, East Central Railway, Hajipur.
5. The Divisional Railway Manager (P), East Central Railway, Sonapur Division (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Siddhartha 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: 08-04-2017

Heard counsel for the petitioner and the counsel for the Railways.

2. The order under challenge is dated 23rd January, 2015 passed in OA No. 11 of 2015. The Central Administrative Tribunal, Patna Bench, Patna has dismissed the O.A. application on the sole ground that the relief prayed for in the O.A. was hopelessly barred by limitation.

3. Husband of the petitioner went missing in the year 1994. After due paper publication, he was dismissed from service with effect from 03.09.1999. Now, such a decision is being questioned by the petitioner and a demand is being made for payment



of retiral benefits etc. of her husband.

4. Since O.A. was filed in the year 2015, the Tribunal in its wisdom decided to dismiss the O.A. as much time had elapsed since the cause of action arose in the year 1999. 16 years has gone past.

5. Obviously such delay will be fatal to the relief, especially when there is no satisfactory reason emerging for non-assertion of right at the appropriate time. The explanation that a suit was filed for declaration of civil death of the husband in Jabalpur Court cannot be a ground for non-assertion of the claim earlier.

6. The Court is also informed that the petitioner herself was a railway servant and is no ordinary house wife. Since law of limitation also has a public purpose, dismissal on that ground cannot be said to be irrational.

7. Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
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