

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5599 of 2018

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Amita Devi Wife of late Surendra Ram Resident of Village- Shokhara, P.S.
Phulwaria, in the District of Begusarai.

.... Petitioner/s

Versus

1. The Union of India, through the General Manager, East Central Railway, Hajipur.
2. The General Railway Manager(Personnel) Sonapur Division, East Central Railway, Hajipur.
3. The Senior Section Engineer, East Central Railway, Barauni.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Adv.

For the Railways : Mr. Naresh Dixit, Adv.

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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: 15-05-2018

Heard counsel for the petitioner and counsel for the
Railway.

If the admitted position is that the husband of the
petitioner did not become a regular employee of the Railways and he
was working as a substitute Khalasi, therefore, in absence of
regularization of his service, no family pension can be authorized in
favour of the wife or the children.

It is in this background that the Central Administrative
Tribunal, Patna Bench, Patna dismissed the O.A. 854 of 2010 vide
order dated 26.02.2014 which is subject matter of challenge.



It has come in the pleadings itself that despite the status of the husband of the present petitioner, the Railway authorities especially the General Manager has granted appointment to the present petitioner on compassionate ground, therefore, it is not that the present petitioner and the family has not been taken care of by the Railways.

The Rule cannot be bent to accommodate persons merely because their case is hard.

We do not find any infirmity with the decision rendered by the Tribunal which requires rectification.

The position and stand taken by the respondent Railways in the counter affidavit is supported by necessary rules and regulations along with a judicial decision which has been rendered by the Apex Court, a copy of which is annexed as Annexure-C to the counter affidavit.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
CAV DATE	NA
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