

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
REVP No. 160 of 2017

1. Ku. Anchal Mishra D/o Late Santosh Kumar Mishra Aged About 20 Years R/o Mitra Vihar Colony Link Road Bilaspur Chhattisgarh. , Chhattisgarh
2. Anmol Mishra S/o Late Santosh Kumar Mishra Aged About 17 Years Minor , Through Their Grand Father And Natural Guardian Shri Nageshwar Mishra S/o Late Shiv Prasad Mishra , Aged About - 70 Years Retired Guard S E C R Bilaspur R/o Mitra Vihar Colony Link Road Bilaspur Chhattisgarh. , District : Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. Union Of India Through Secretary Ministry Of Railways Rail Bhavan New Delhi, Delhi
2. The General Manager, SECR, Zonal Office Railway Colony Bilaspur Chhattisgarh.
3. Divisional Railway Manager, S E C R, Bilaspur Chhattisgarh.
4. The Senior Personal Officer, Bilaspur S E C R Chhattisgarh.
5. Smt. Rashmi Mishra Wd/o Late Santosh Kumar Mishra Aged About 33 Years C/o Shri Vinod Kumar Upadhyay, R/o Beladula Darraghat Raigarh Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondents

For Petitioners	:	Shri K.A. Ansari, Senior Advocate assisted by Shri Vipin Singh, Advocate
For Respondents/SECR	:	Shri Abhishek Sinha, Standing Counsel for SECR.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

24.01.2018

1. We have heard the learned Senior Counsel for the Petitioners and the learned Counsel for the Respondents/South Eastern Central Railway in this application seeking review of the order issued in a Writ Petition under Article 227 of the Constitution.
2. The review petition stands with an application seeking condonation of delay of 122 days in instituting this review petition. The 1st Applicant has attempted to justify the delay by saying that she had gone to Calcutta to pursue her study in the course for Company Secretary.

3. The sum and substance of this litigation is discernible from paragraph 3 of the order issued by this Court on 26.07.2017, which is the order sought to be reviewed. Santosh Kumar Mishra, an employee of South Eastern Central Railway, died in harness. The materials disclosed to the satisfaction of the employer that he left behind Smt. Rashmi Mishra as the surviving widow. It appears that he was a widower having lost his first wife, through whom the Appellants were born. The fact and factors which weighed with the administration in making the choice of the surviving widow for appointment on compassionate ground was not found worthy of interference by the Administrative Tribunal in an application instituted before it by the children of the late first wife of Late Santosh Kumar Mishra. In the application under Article 227 of the Constitution, this Court also did not find any ground to interfere with the reasoning process of the Tribunal or the conclusion arrived at in its decision. In this application seeking review of the order passed under Article 227 of the Constitution of India, we do not see any error of jurisdiction on face of record or any other justiciable and justifiable ground in relation to exercise of authority under Article 227 of the Constitution, which deserves to be reckoned in the review jurisdiction. Hence, this application for review fails. Therefore, the application seeking condonation of delay also does not deserve to be entertained.
4. In the result, this review petition and application seeking condonation of delay are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge