

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1871 of 2020

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.- Digghikala, P.S. Hajipur(Town), District- Vaishali at Hajipur, Pin Code- 841001, Bihar.
2. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kala, P.S. Hajipur(Town), District- Vaishali at Hajipur, Pin Code- 841001, Bihar.
3. The Chief Signal and Telecom Engineer, East Central Railway, Hajipur, P.O.- Digghikala, P.S. Hajipur(Town), District- Vaishali at Hajipur, Pin Code- 841001, Bihar.
4. The Financial Advisor and Chief Accounts Officer, East Central Railway, Hajipur, P.O.- Digghikala, P.S. Hajipur(Town), District- Vaishali at Hajipur, Pin Code- 841001, Bihar.
5. The Divisional Railway Manager, East Central Railway Sonapur, P.O. Sonapur, P.S. Sonapur, District- Saran, Pin Code- 841101, Bihar.
6. The Sr. Divisional Personnel Officer, East Central Railway Sonapur, P.O. Sonapur, P.S. Sonapur, District- Saran, Pin Code- 841101, Bihar.
7. The Sr. Divisional Signal and Telecom Engineer, East Central Railway Sonapur, P.O. Sonapur, P.S. Sonapur (Bihar).
8. The Senior Divisional Financial Manager, East Central Railway, Sonapur, P.O. Sonapur, P.S. Sonapur, District- Saran, Pin Code- 841101, Bihar.

... .. Petitioner/s

Versus

Renu Devi Wife of late Ashok Kumar Paswan, Ex Khalasi (Signal), Semaria, Resident of Village- Hirpur (Jandaha), Post/P.S. Jandaha, District- Vaishali , Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijoy Kumar Sinha, Adv.
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 27-01-2020

Heard learned counsel for the Union of India.

In the present case, the husband of the sole respondent has moved to the Central Administrative Tribunal, Patna Bench, Patna



claiming compensation amount of Rs. 10 lakhs on account of death of her husband while discharging the official duty of the Railway on track.

After the accident, the Joint Committee was constituted who submitted the report affirming the fact that the husband of the sole respondent has died while discharging the duty on railway track but, the Railway has denied the benefit of compensation on the ground that the respondent has failed to produce the First Information Report and the postmortem report. The Tribunal has taken a view that it is the primary duty of the Railway, after the accident, a First Information Report should have been lodged by the Railway before the police as well as the dead body was also required to be sent for postmortem as the basic idea for filing such document is to ascertain that the accident has really taken place while discharging the railway duty. The railway administration cannot take advantage of its own wrong as they have failed to lodge the First Information Report and also failed to send the dead body for postmortem.

We do not find any error in the order passed by the Tribunal.
Accordingly, this writ application is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.02.2020
Transmission Date	

