

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9819 of 2021**

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Lakshmi Devi, aged about 56 years, female, Wife of Late Rajendra Prasad  
Resident of Mohalla- Kharkhura, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman Railway Board, New Delhi.
2. The Zonal Manager, E.C. Railway, Hajipur.
3. The D.R.M., Mugalsarai (Now Din Dayal Upadhyay) E.C. Railway, Din Dayal Upadhyay.
4. The Divisional Personnel Officer E.C. Railway, Din Dayal Upadhyay (Mugalsarai).
5. The Assistant Personnel Officer D.R.M. Office, Din Dayal Upadhyay, E.C. Railway, Mugalsarai (Din Dayal Upadhyay).
6. The District Magistrate, Gaya.
7. The Superintendent of Police, Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Adv.  
For the Respondent/s : Dr. K. N. Singh ( ASG )

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**and**  
**HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 21-10-2021**

Heard learned counsel for the petitioner and counsel for the respondents. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. In the instant writ petition, the petitioner has assailed the order dated 28.08.2018 passed in O.A. No. 050/00317/17 by



the Central Administrative Tribunal, Patna Bench, Patna (in short “CAT”).

3. The petitioner claims that she is the legally wedded wife of late Rajendra Prasad, an ex-Assistant Loco Pilot working under SE (Loco)/EC Railway, Gaya, who was compulsorily retired from service with effect from 22.03.2010. Thereafter, he died on 25.11.2015. After the death of late Rajendra Prasad, the petitioner, claiming to be the legally wedded wife of late Rajendra Prasad, approached the Railway authority for grant of family pension. It was not considered therefore the petitioner was compelled to approach CAT. CAT dismissed the O.A. No. 050/00317/17 on 28.08.2018. Hence this petition.

4. Undisputedly, there is no material information in respect of the petitioner Lakshmi Devi being nominee of late Rajendra Prasad so as to release family pension. From perusal of the record, it is evident that there is some dispute relating to legally wedded wife of late Rajendra Prasad. In such circumstances, the petitioner Lakshmi Devi is required to obtain a decree/declaration from the competent court to the effect that she is the legally wedded wife of late Rajendra Prasad. In absence of any material information on behalf of the petitioner to the extent that her name is reflected in the nomination paper or in the service



book as legally wedded wife of late Rajendra Prasad, petitioner is not entitled to relief sought before the CAT. The status of legally wedded wife is under dispute, therefore there is no infirmity or error in the order dated 28.08.2018 passed by the CAT, Patna. That apart, writ Court would not interfere in matters involving disputed factual aspects.

5. Accordingly, the writ petition stands dismissed, reserving liberty to the petitioner to approach appropriate forum for seeking declaration that she is the legally wedded wife of late Rajendra Prasad, an ex-Employee of the Railway.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Vikash Jain, J)**

**( P. B. Bajanthri, J)**

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