

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1573 of 2019

In

Civil Writ Jurisdiction Case No.4162 of 2017

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Mostt. Tara Pashi, W/o Late Dulal Chandra Pasi, R/o Village Gourisail, P.O. Gangsara, P.S. Gangapur, District- Nadia, West Bengal.

... .. Appellant/s

Versus

1. Union of India through the General Manager, Eastern Railway, 17, Netaji Subhash Road, Kolkatta- 700001.
2. General Manager's Office, Public Grievance Cell, Eastern Railway, Kolkatta.
3. The Chief Personnel Officer, East Central Railway, Hajipur, Bihar.
4. The Senior Personal Divisional Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700001.
5. Divisional Railway Manager, Eastern Railway, Sealdah, Kolkatta- 700001.
6. The Senior Divisional Finance Manager, East Central Railway, Hajipur, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rewti Kant Raman, Advocate
Mr. Mahesh Prasad, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Date : 04-09-2021

I.A. No. 01 of 2021:

Heard.

This interlocutory application has been filed for
condonation of delay of 97 days in filing the present appeal.

Sufficient reasons has been shown to condone the delay in filing appeal, accordingly the interlocutory application is allowed and the delay in filing this appeal is condoned.

I.A No. 01 of 2021 is disposed of.

L.P.A. No. 1573 of 2019

Being aggrieved by judgement and order dated 24.07.2019 passed in C.W.J.C. No. 4162 of 2017 passed by learned Single Judge of this Hon'ble Court, appellant/petitioner have preferred this L.P.A.

Briefly stated, the facts of the case is that husband of appellant Dulal Chandra Pashi (Constable/Fire) after completion of initial training course was sent to R.P.F. Training Centre, Dhanbad for one month practical training and he was granted seven days casual leave and was to resume his duty on 23.11.1990 but thereafter he never returned back to join his duty. On 02.04.1991 and 25.04.1991 registered letters were sent to his home address to return back to his duty in seven days which was personally received by him.

A registered letter was received on 23.05.1991 send by Dulal Chandra Pashi in which it was stated that he was suffering from Jaundice from 18.11.1990 and was under bed rest but thereafter no communication was received from him.

A registered letter dated 23.05.1991 was sent to Dulal Chandra Pashi intimating him to have remained on unauthorized absence and was directed to report to training centre, Dhanbad within one month, failing which his services would be terminated after expiry of stipulated period. As he was a probationary constable, he was discharged from service under R.P.F. Rule 57.03 of 1987 by order dated 27.08.1991 with effect from 01.09.1991 and same was communicated to Dulal Chandra Pashi through registered post which was received by him on 19.09.1991.

Dulal Chandra Pashi presented a mercy appeal on 23.11.1999 for his reinstatement in service to D.G. R.P.F., New Delhi, however, he died on 31.05.2001 and thereafter widow of Dulal Chandra Pashi filed writ petition for grant of family pension and compassionate appointment which was dismissed by the learned Single Judge on the ground that husband of the appellant was discharged from service having been found to be unsuitable to be retained in R.P.F., as such, she is neither entitled for any death-cum-retiral dues nor she is entitled for grant of appointment on compassionate ground.

After hearing counsels for the parties and considering the materials available on records, this court does not find any

error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

There is no merit in the L.P.A. and is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2021
Transmission Date	NA