

IN THE HIGH COURT AT CALCUTTA
(Appellate Side)
CONSTITUTIONAL WRIT JURISDICTION

WPCT 507 of 2013
Date of decision:-25.03.2021

Shri Jitlal Saroj

...Petitioner

-versus-

Union of India & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIRUDDHA ROY

ORDER

1. The present writ petition has been filed assailing the impugned order dated August 28, 2013 passed by the Central Administrative Tribunal, Kolkata, (for short, the Tribunal) in OA 1350 of 2010 (Shri Jitlal Saroj vs. Union of India & Ors.) (for short, the Original Application), where under, the Original Application filed by the writ petitioner was dismissed.
2. From a perusal of the impugned order and the averments made in the writ petition, it appears to this Court that, the wife of the writ petitioner was working as a female Khalasi under the third respondent who died on June 18, 2004. The writ petitioner claims to be the sole legal representative of his wife. The writ petitioner lodged his claim in respect of the service benefits of his deceased wife. Such claim being denied by the respondent authority the Original Application was filed before the

Tribunal. It further appeared that the writ petitioner failed to submit any proof in support of his claim. He failed to submit any joint photograph or any marriage certificate. There was even no nomination or revised nomination submitted by the concerned employee before the Railways in favour of the petitioner. It appeared that the marriage of writ petitioner and the deceased employee alleged to have been solemnized on August 12, 1992 and the same was allegedly registered on December 01, 2003. The medical certificate, identity card of the deceased employee did not contain the name of the petitioner. The nominations made by the deceased employee on account of her provident fund and GIS were also not in favour of the petitioner. All these findings on facts prima facie, suggest a presumption of fraudulent and unlawful claim lodged by the writ petitioner.

3. Be that as it may, since none appeared on behalf of the writ petitioner, the writ petition stands dismissed in default.

(Rajesh Bindal)
Judge

(Aniruddha Roy)
Judge