

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7826 of 2023

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Maheshwari Prasad Singh Son of Late Shankar Singh Resident of Mohalla-
Patel Nagar, Near Aalmira Factory, Police Station- Chas, District- Bokaro,
State- Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources
Department, Government of Bihar, Patna.
2. The Deputy Labour Commissioner, Patna.
3. The Union of India, through the General Manager, East Central Railway,
Hajipur, District- Vaishali.
4. The Divisional Rail Manager, East-Central Railway, Hajipur.
5. Senior Divisional Engineer (2), E.C.Railway, Danapur, Patna.
6. Sarojani Devi Wife of Late Arun Yadav @ Arun Kumar Yadav Resident of
Village- Mamarkhabad English, Post- Pandarakh, Police Station- Pandarakh,
District- Patna. PIN- 803231.
7. Bittu Kumar Son of Late Arun Yadav @ Arun Kumar Yadav Resident of
Village- Mamarkhabad English, Post- Pandarakh, Police Station- Pandarakh,
District- Patna. PIN- 803231.
8. Sittu Kumar Son of Late Arun Kumar @ Arun Kumar Yadav Resident of
Village- Mamarkhabad English, Post- Pandarakh, Police Station- Pandarakh,
District- Patna. PIN- 803231.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Adv. Mr. Dipak Kumar, Adv. Mr. Madhuresh Singh, Adv.1
For the State	:	Mr. Raghwendra Kumar (Sc22)
For the UOI	:	Mr. Rakesh Kr. Sinha, Adv.
For the Private Resp. 2	:	Mr. Pravin Kr. Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 10-11-2023 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following
reliefs;

*That the instant writ petition is being
preferred by the petitioner invoking equitable*



and extra-ordinary jurisdiction of this Hon'ble court under Article 226 of the Constitution of India for administering conscionable justice with the following reliefs:-

(i) Issuance of an order, direction or writ in the nature of Certiorari quashing the ex-parte order dated 12.12.2022 passed in C.W.C. No. 09/2021 whereby and where under the Learned Court respondent No. 2 allowed the case, filed by the private respondents and further directed that they are entitled for compensation of Rupees 13,81,275/- and also hold that the claimants are entitled to get interest thereupon @ 12% per annum from the date of the deceased within 30 days from the writ petitioner under section 4 of the Workman Compensation Act, 1923.

(ii) Issuance of an order, direction or writ in the nature of Mandamus directing respondent no.3 to pay compensation to the private respondents, if At the request of learned counsel for the petitioner, post this matter on all they are entitled for the same.

3. Learned counsel for the petitioner has stated that the proceedings before the second respondent were commenced at the behest of the Respondent Nos. 6 to 8 by arraying the petitioner as Respondent No. 1 in the said case. Learned counsel has stated that the address of the petitioner was wrongly shown as being a resident of Village-Sherpur, P.O.



Hathidah, P.S.-Maranchi, District- Patna. But as a matter of fact, the petitioner is residing at Bus Stand, P.S.- Chas, District- Bokaro-827013, State- Jharkhand, India. Learned counsel has drawn the attention of the Court to the Annexure-1 which shows the correct the address of the petitioner. The said letter is a communication between the petitioner and the railways. Further, the learned counsel for the petitioner has also drawn the attention of the court to the Annexure-2 i.e. the claim petition filed by the Respondent No. 6 to 7 before the second respondent herein showing the address of the petitioner at Village-Sherpur, P.O. Hathidah, P.S.-Maranchi, District- Patna. Learned counsel has stated that without issuing any notice to the petitioner on the correct address, the authority concerned has passed the impugned order. Learned counsel has, therefore, prayed this Hon'ble Court to give him an opportunity to appear before the authority concerned and present his case.

4. *Per contra*, the learned counsel appearing on behalf of Respondent Nos. 6 to 8 has vehemently opposed the very maintainability of the writ petition and stated that the petitioner has an alternative and efficacious remedy of filing an appeal against the orders of the second respondent. Learned counsel has stated that the address of the petitioner which was



shown before the second respondent is the native address of the petitioner. That the petitioner is having two houses, one at district Patna and other at Jharkhand and, therefore, the address which was last known to the respondent Nos. 6 to 7 has been shown in the claim petition. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. A perusal of the claim petition filed by the respondent Nos. 6 to 8 before the authority concerned i.e. the second respondent shows that the address of the petitioner has been shown as Village-Sherpur, P.O. Hathidah, P.S.-Maranchi, District- Patna. Admittedly, in the correspondence made between the railways and the petitioner the address of the petitioner is shown at Bokaro, Jharkhand. Except the oral statement made by the respondent Nos. 6 to 7, nothing is placed on record to show that the petitioner is a resident of Village-Sherpur, P.O. Hathidah, P.S.-Maranchi, District- Patna at the time of filing the claim application by the respondent Nos. 6 to 8.

6. Even though the counsel for the respondents has taken a plea of alternate remedy, this Court in a catena of cases have held that where the principles of natural justice and equity are violated, the courts can intervene and held that alternate



remedy is not a bar for entertaining a writ petition under Article 226 of the Constitution of India.

7. Having regard to the above mentioned facts and circumstances, this Court is of the prima facie opinion that the ends of justice would be met if the impugned order is set aside the matter remanded back to the authority concerned i.e. the second respondent for passing orders afresh strictly in accordance with law. The petitioner, the railways and the respondent Nos. 6 to 8 shall appear before the said authority either in person or through their counsel on 22.11.2023. The second respondent shall give an opportunity to the petitioner to file his objections by giving reasonable time. Thereafter, the matter will be proceeded and orders passed in accordance with law. The entire exercise shall be completed and final orders passed by 29.12.2023.

8. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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