

Court No. - 7

Case :- WRIT - A No. - 9238 of 2023

Petitioner :- Kokila Devi

Respondent :- Union Of India Thru. General Manager North Eastern Railway (N.E.) Gorakhpur And 3 Others

Counsel for Petitioner :- Rama Soni, Rohit Kumar Tripathi

Counsel for Respondent :- A.S.G.I., Vijay Krishna Srivastava

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, Shri Mahendra Kumar Mishra, learned counsel for respondent nos. 1 to 3 and Shri Vijay Krishna Srivastava, learned counsel for respondent no. 4.

Instant petition has been filed by widow of retired Railway Employee praying for mandamus requiring the concerned respondents not to recover the alleged excess money from the family pension of the petitioner.

As the matter pertains to a post under the Central Government as such this Court does not have jurisdiction to entertain and decide the petition keeping in the view the judgment of the Apex Court in the case of **L. Chandra Kumar vs. Union of India and others** reported in **AIR 1997 SC 1125** as the court of first instance is the Central Administrative Tribunal.

Accordingly, keeping in view the law laid down by the Constitution Bench of the Apex Court in the case of **L. Chandra Kumar (supra)**, the writ petition is disposed of leaving it open to the petitioner to approach the Central Administrative Tribunal for any of her grievance.

Order Date :- 2.12.2023

Mohit Singh