

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8586 of 2021

1. Gayatri Devi Widow of Late Kapildeo Ojha Address not Available.
 2. Pooja Kumari daughter of Late Kapildeo Ojha, resident of Village and Post Office Vishnuduttpur, Police Station- Kanti, District - Muzaffarpur.
- Petitioner/s

Versus

1. The General Manager, North Eastern Railway, Gorakhpur.
 2. The General Manager, East Central Railway, Hajipur.
 3. The Divisional Railway Manager, East Central Railway, Samastipur.
 4. The Divisional Railway Manager, East Central Railway (Personnel), Samastipur.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Mr. Krishna Nandan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

10 29-01-2024 Heard Mr. Arjun Prasad, learned counsel appearing on behalf of the petitioners and Mr. Alok Kumar Alok, learned counsel for the Union of India.

2. The petitioner no. 1 and 2 claiming herself to be wife and unmarried daughter of Late Kapil Dev Ojha has filed the writ petition seeking quashing of the order dated 19.12.2017 passed by the Divisional Railway Manager, East Central Railway, Sonapur whereby the claim of the petitioners have been rejected and they further sought a direction upon the respondents to ensure fixation and payment of family pension and arrears thereof.

3. A preliminary objection has been raised on behalf



of the Union of India with regard to the maintainability of the writ petition as the husband of the petitioner superannuated in 1994 as a Driver from the Samastipur Division, North Eastern Railway, now under the division of East Central Railway.

4. He thus submits that the petitioner have appropriate adequate remedy before the Central Administrative Tribunal.

5. Considering the submission made on behalf of the respondent Union of India, this Court finds that the objection of the respondent is sustainable in law and thus, the writ petition stands disposed of with a liberty to the petitioners to approach before the Central Administrative Tribunal.

6. It is needless to observe that in case the petitioner files an original application before the Central Administrative Tribunal, the period during which they have been bonafide proceeding the writ petition shall be excluded in view of section 14 of the Limitation Act, 1963.

7. The writ petition stands disposed of with the liberty aforesaid.

(Harish Kumar, J)

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