

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7187 of 2023

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1. Bindu Devi 2nd Wife of Late Possan Ram @ Nago Mehtar, Ex Technician - III in Carriage and Wagon At Darbhanga Junction of Samastipur Division Under the East Central Railway Zone, Hajipur, Presently Residing at Village and Post - Araila, District - Darbhanga (Bihar).
 2. Sharvan Kumar S/o Late Possan Ram @ Nago Mehtar, Ex Technician - III in Carriage and Wagon at Darbhanga Junction of Samastipur Division Under the East Central Railway Zone, Hajipur, Presently Residing at Village and Post - Araila, District - Darbhanga (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through The General Manager, East Central Railway, Hajipur, District - Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, District - Vaishali (Bihar).
3. The Divisional Railway Manager, East Central Railway, Samastipur Division, Samastipur, (Bihar).
4. The Senior Divisional Personnel Officer, East Central Railway, Samastipur Division, Samastipur, (Bihar).
5. The Senior Divisional Finance Manager, East Central Railway, Samastipur Division, Samastipur, (Bihar).
6. Shila Devi 1st Wife of Late Possan Ram @ Nago Mehtar, Ex Technician-III, at Darbhanga Junction Railway Station of Samastipur Division Under the East Central Railway Zone, Hajipur, Presently Residing at Village and Post - Araila, District - Darbhanga (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S.K Ravi, Advocate
Mr. S.K Ravi, Advocate
For the Respondent/s : Mr. Awadhesh Kr. Pandey. Sr. C.G.C.



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 05-01-2024 In the instant petition, petitioner No. 1 has assailed the order of the Central Administrative Tribunal dated 23.03.2023. passed in O.A. No. 050/00203 of 2023 vide Annexure-10 grievance of the petitioner No. 1 is that she claims to be second wife of deceased employee of the Railway. She has not furnished any material information to the extent that she was married with the deceased employee. In the absence of such material this Court cannot examine whether is she entitled to family pension in the light of policy decision or rules of the Railways Department to the extent that even second wife is entitled to certain monetary benefits arising out of family pension.

2. Therefore, we decline to interfere with the order of the Central Administrative Tribunal dated 23.03.2023. Dismissal of the present petition would not be a hurdle for the petitioner No. 1 to invoke appropriate remedy in obtaining declaration that she is legally wedded wife of deceased employee – Sri Possan



Ram @ Nago Mehtar and to the extent that petitioner No.1 is a second wife, in that event, Railway Authorities shall examine her claim as and when there is a judicial pronouncement that she is legally wedded wife of the deceased employee – Sri Possan Ram @ Nago Mehtar.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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