

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1471 of 2021

=====

Manju Devi Wife of Sri Ramesh Sharma R/o Village Singhriyama, P.S.
Shahjahanpur, Distt- Patna.

... .. Petitioner/s

Versus

1. The Union of India Ministry of Railways through the General Manager Personnel and Administration Rail Bhawan, New Delhi.
2. The Chief Personnel Manager, Rail Bhavan, New Delhi.
3. The General Manager, East Central Railway, Hajipur, Bihar.
4. The Divisional Railway Manager (DRM), East Central Railway, Sonapur, Bihar.
5. Julie Kumari Wife of Late Kundan Kumar, Daughter of Late Vijay Singh R/o Village- Pokharpur, P.S.- Giriyak, Distt- Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Sachchidan Choudhary, Advocate Mr. Lovkash Kumar, Advocate
For Respondents No. 5	:	Mr. Ramakant Sharma, Senior Advocate Mr. Ravi Ranjan, Advocate
For the Railway	:	Ms. Vandana Kishore, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 23-04-2024

Heard Mr. Sachchidan Choudhary, learned counsel for the petitioner, Ms. Vandana Kishor, learned counsel for the Railway and Mr. Ramakant Sharma, learned Senior counsel for the respondent No.5.

2. This writ petition has been filed seeking a direction to the respondents to pay the death cum retiral benefits to the petitioner on account of suicidal death of her son, Late Kundan Kumar, who was a permanent employee working on the post of Railway Protection Force in Sonapur Division with the



employee code No. 23007347, who died on 14.05.2019 by committing suicide on the alleged cruelty caused to her son by his wife Julie Kumari, the respondent No. 5, for which Shahajahanpur P.S. Case No. 46/19 under Section 306 I.P.C. has been registered.

3. The petitioner is the mother of the deceased Late Kundan Kumar and the respondent No. 5 is the wife of deceased Late Kundan Kumar.

4. It has been submitted that on a final report being filed by the investigating agency in Shahajahanpur P.S. Case No. 46/19 under Section 306 IPC, the petitioner's husband had filed a protest petition, which was treated as complaint and taken cognizance by the Jurisdictional Magistrate. The act of the Jurisdictional Magistrate in taking cognizance of the protest petition filed by the husband of the petitioner has been challenged by the respondent No. 5 by filing a Criminal Miscellaneous No. 2968 of 2023, wherein by an order dated 27.04.2023, this Court while issuing notice to the respondents had in the meanwhile stayed the further proceedings of the complaint case, which was registered as Complaint case No. 125/19 arising out of Shahajahanpur P.S. Case No. 46/19.

5. The aforesaid criminal proceeding is stated to be



pending.

6. The respondent No. 4 has filed a counter affidavit, wherein it has been stated that upon receipt of report called for from the Police authorities to the effect that the criminal case filed against the respondent No. 5 have been found to be not true, the respondent No. 5 have been paid gratuity, leave encashment, GIS bill as well as family pension at the rate of Rs. 9000/- per month. According to the Railway authorities, it is the respondent No. 5, the widow, who is entitled to the retirement benefits of the deceased who was her husband and not the petitioner, the mother of the deceased.

7. The respondent No. 5 has also filed a counter affidavit contesting the case set up by the petitioner in the writ petition.

8. Though, the petitioner has filed this writ petition praying for a direction to the respondents to pay the death cum retiral benefits on the account of suicidal death of her son Late Kundan Kumar, who was working on the post of Railway Protection Force in Sonapur Division. Learned counsel appearing for the petitioner has not been able to point out any provision of law, whereby it would indicate that the mother of the deceased employee is entitled to be paid the death cum



retiral benefits of the deceased employee.

9. Under the circumstances, in the absence of any law being pointed out by the learned counsel for the petitioner that the mother of the deceased employee would be entitled to claim as a matter of right, the death cum retiral benefits of the deceased son, I am of the view that no direction to the respondents can be given to pay the death cum retiral benefits to the petitioner on account of suicidal death of her late son who was employed as Railway Protection Force, in the instant case.

10. The writ petition, therefore, does not have any merit and the same stands dismissed.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2024
Transmission Date	NA

