

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 2825 of 2023

Jyotshana Sarkar, aged about 72 years, Wife of Late F. N. Srakar, Resident of Village Ghatsila, P.O. & P.S. Ghatsila, Dist. East Singhbhum, Jharkhand

... .. **Petitioner**

Versus

1. Union of India through the Chairman, Railway Board, New Delhi, P.O., P.S.- Shastri Bhawan, Dist. New Delhi
2. The General Manager, South East Railway, Garden Reach, Kolkata, P.O., P.S.-Garden Reach and District Kolkata
3. The Chief Personnel Officer, South East Railway, Garden Reach, Kolkata, P.O., P.S.-Garden Reach and District Kolkata
4. The Divisional Railway Manager, South Eastern Railway, Tata Nagar Division, P.O. & P.S. Tata Nagar, Dist. East Singhbhum
5. The Senior Divisional Personnel Officer, South Eastern Railway, Chakradharpur, P.O. & P.S. Chakradharpur, Dist. West Singhbhum
6. The Sr. D.P.O., South Eastern Railway, Tata Nagar Division, P.O. & P.S. Tata Nagar, Dist. East Singhbhum
7. The Assistant Personnel Officer, South Eastern Railway, Tata Nagar Division, P.O. & P.S. Tata Nagar, Dist. East Singhbhum

... .. **Respondents**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner	: Mr. Prakash Kumar, Advocate
For the Respondents	: Mr. Radha Krishna Gupta, Adv.

08/21st March 2024

1. Learned counsel for the parties are present.
2. This writ petition has been filed for the following reliefs: -

"i) For quashing of letter dated 21.12.2021 issued by respondent no. 5 whereby and whereunder the claim of the petitioner has been rejected without going into the merit of this case as well as without considering the documentation of the petitioner and against the order of this Hon'ble Court dated 23.09.2019 passed in W.P.(S) No. 4379/2018 and the petitioner has also not provided the sufficient opportunity to place their case.

ii) For direction upon the respondents concerned for fixation of the family pension as well as entire death-cum-retiral benefits like GPF, Gratuity, leave encashment, etc. with interest against the death of her husband who was working as Khalasi within Mech/Loco/ Tata Nagar, South Eastern Railway.

And/or

iii) For issuance of any other appropriate Writ (s) / order (s) / direction(s) as this Hon'ble Court may deem fit and proper under the facts and circumstances of this case."

3. When the matter was taken up yesterday i.e. 20.03.2024, an issue was raised regarding the maintainability of the present writ petition as the petitioner claims that her husband was working as a Khalasi in South Eastern Railway, Tata Nagar. However, the matter was adjourned for the petitioner to seek instructions.

4. Today, the learned counsel for the petitioner seeks permission to withdraw this writ petition. He submits that liberty may be reserved with the petitioner to move before the Central Administrative Tribunal.

5. The learned counsel for the respondents has no objection to the prayer made.

6. Accordingly, this Court is not inclined to entertain this writ petition. However, this writ petition is disposed of with an observation that the petitioner may avail the remedy as per law before the Central Administrative Tribunal within a period of one month from today.

7. Pending I.A., if any, is closed.

(Anubha Rawat Choudhary, J.)

Mukul