

Court No. - 4

Case :- WRIT - A No. - 7772 of 2024

Petitioner :- Manju Kumari Prasad

Respondent :- Union Of India Thru. Secy. Ministry Of Railways And 2 Others

Counsel for Petitioner :- Dinesh Chandra Tewari

Counsel for Respondent :- A.S.G.I.

Hon'ble Rajesh Singh Chauhan,J.

Heard Sri D.C. Tewari, learned counsel for the petitioner and Sri S.P. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Sri Varun Pandey, learned counsel for the opposite parties.

Shri S.B. Pandey has raised preliminary objection regarding maintainability of the writ petition on three grounds. Firstly, this petition lacks territorial jurisdiction as the opposite parties are of West Bengal; for redressal of the grievance, the petitioner has approached the Court at the highly belated stage and the claims, if any, are to be paid by the Railway Department, therefore, instead of approaching this Court under Article 226 of the Constitution of India, the petitioner should have approached the Central Administrative Tribunal by filing OA, in the light of dictum of Apex Court in re:- **L. Chandra Kumar Vs. Union of India, (1997) 3 SCC 261.**

The learned counsel for the petitioner has stated that he is pressing his prayer only to the extent that the direction may be issued to the competent authority to take appropriate decision on the representation of the petitioner, and since the grievance of the petitioner is relating to the payment of family pension, therefore, this is a petition of recurring cause of action.

Be that as it may, the objection raised by Shri SB Pandey, learned Senior Advocate are having substance, but I hereby **dispose of this petition finally** at the admission stage giving liberty to the petitioner to prefer a fresh representation to the opposite party No.3 i.e., Divisional Personal Officer, Office of the Division Railway Manager (P), South Eastern Railway, Adra, West Bengal, ventilating his grievance taking all pleas and grounds which are available with him enclosing therewith the copy of his earlier representation, if any, which are necessary for disposal of the representation within a period of ten days from today and if such representation is preferred by

the petitioner within the aforesaid stipulated time, the authority concerned shall consider and dispose of the same strictly, by speaking and reasoned order in accordance with law after affording an opportunity of hearing to the petitioner, if it is so required, with expedition preferably, within a period of six weeks from the date of receipt of certified copy of this order and the decision thereof shall be intimated to the petitioner forthwith.

It is made clear that if the petitioner feels himself aggrieved from any order being passed by the railway authorities, he may approach the Central Administrative Tribunal for redressal of his grievance.

Order Date :- 17.9.2024

Anurag