

Court No. - 4

Case :- WRIT - A No. - 8011 of 2024

Petitioner :- Anshika Bharti

Respondent :- Union Of India Thru. Ministry Of Railways
New Delhi And 3 Others

Counsel for Petitioner :- Amol Kumar Srivastava, Shivanshu
Mishra

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

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Amol Kumar Srivastava, learned counsel for the petitioner and Sri S.B. Pandey, learned Senior Advocate and the Deputy Solicitor General of India assisted by Sri Varun Pandey, learned counsel for the opposite parties.

2. This is the case where the petitioner is seeking any suitable appointment under Dying-in-Harness Rules from the Railway Department.

3. Sri S.B. Pandey, learned Senior Advocate has raised a preliminary objection regarding maintainability of the writ petition by submitting that for redressal of her grievance the petitioner may approach the Central Administrative Tribunal by filing the Original Application (O.A.).

4. On that, Sri Amol Kumar Srivastava, learned counsel for the petitioner has stated that since the petitioner has already approached the Competent Authority and any appropriate decision is to take and the letters dated 01.09.2023 and 08.12.2023, which have been annexed with the writ petition as Annexure No.1, whereby some clarification has been sought, therefore, liberty may be given to the petitioner to approach the Competent Authority to satisfy the query being raised by the authority and any decision may be taken with expedition.

5. Therefore, without entering into merits of the issue, I hereby dispose of this writ petition finally at the admission stage giving liberty to the petitioner to approach the opposite party No.4 i.e. the Chief Staff and Welfare Inspector, Northern Railway, Lucknow along with certified copy of this order within a period of ten days from today and if the query so pointed out by the authority is satisfied by the petitioner, any appropriate order strictly in accordance with law may be passed within a period of six weeks thereafter and such order may be intimated to the

petitioner forthwith.

6. However, it is clarified that if the petitioner feels herself aggrieved from any order being passed by the authority concerned, instead of approaching this Court under Article 226 of the Constitution of India, she shall approach the Central Administrative Tribunal by filing the Original Application (O.A.).

7. Accordingly, the instant writ petition is ***disposed of finally***.

[Rajesh Singh Chauhan,J.]

Order Date :- 21.9.2024

Suresh/