

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12353 of 2024

The Union of India & Ors.

... .. Petitioners

Versus

Lalita Devi & Anr.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Alok Kumar, Advocate
For the Respondents	:	Mr. Munna Pd Dixit, Advocate
		Mr. S.K. Dixit, Advocate
		Mr. S.K. Chaubey, Advocate
		Mr. Punit Ranjan Dixit, Advocate
		Mr. Milind Raj Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

11 13-10-2025 The present writ application has been preferred by the Union of India against the order dated 09.01.2024 in O.A. No.661 of 2021 passed by the learned Central Administrative Tribunal, Patna.

2. We have perused the order of the learned Tribunal. The following consideration was made in paragraph 7 by the learned Tribunal:

“7. Counsel for applicant, Shri M.P. Dixit has argued that the case of applicant for compassionate appointment has not ever been considered by respondents on merit. Respondents rejected the applicant’s claim in the past on the ground that it was against the



Railway Board's order dated 02.01.1992. L/c he submits that this order has already been held as unconstitutional and illegal by Madras High Court in W.P. No. 36981 of 2015 (Union of India V/s Smt. M. Karumbayee) and upheld by Hon'ble Supreme Court in order dated 18.09.2017 passed in Diary No(s). 27352/2017. He also submits that in light of judgment of Hon'ble Supreme Court in case of UOI Vs. V.R. Tripathi, Railway Board had issued a fresh direction on 30.12.2019 under RBE No. 218/2019 under which the children born from second wife are entitled for compassionate appointment provided that the first wife or her children give 'No Objection Certificate' in this regard. L/c further submits that the issue whether this order of RBE No. 218/2019 will have retrospective effect has been considered by Hon'ble Patna High Court in CWJC No. 7033/2020 and held in affirmative."

3. Considering the facts in totality, the learned Tribunal had remitted the matter back to the original respondent/appellant for re-considering the case of the respondent/original appellant in light of the observation made in paragraph 7 as referred above. The relevant paragraph is reproduced as under:

"10. Accordingly, we set aside the impugned order dated 26.07.2016 (Annexure-A/1) and dispose of the OA with direction to General Manager, East Central Railway, Hajipur



(Respondent no.1) to consider the case of applicant no. 2 for compassionate appointment and take decision thereon within a period of four months from the date of receipt of this order.”

4. Therefore, we find no merit in the present case.

Accordingly, the present writ stands dismissed.

5. The authority concerned is directed to comply the order dated 09.01.2024 in O.A. No.661 of 2021 passed by the learned Tribunal.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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