

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19131 of 2024

1. The Union of India through the Chairman, Indian Railway, Railway Board, New Delhi- 110001.
2. The General Manager, E.C. Railway, Hajipur, Bihar- 844101.
3. The Chief Personnel Officer, E.C. Railway, Hajipur, Bihar- 844101.
4. The Chief Accounts Officer, E.C. Railway, Hajipur, Bihar- 844101.
5. The Divisional Railway Manager, E.C. Railway, Samastipur- 848101.
6. The Accounts Officer, E.C. Railway, Samastipur- 848101.
7. The Station Master, E.C. Railway, Jhanjharpur- 847401.

... .. Petitioners.

Versus

Sato Devi, Wife of Late Jageshwar Paswan, Retd. Gangeman Jhanjharpur, Jaipatti, Resident of Village & P.O.- Keotana, P.S.- Ghoghardiha, District-Madhubani- 847402.

... .. Respondent.

Appearance :

For the Petitioners	:	Mr. Anand Kumar Ojha, Senior Advocate. Mr. Ashok Kumar Karna, Advocate. Mr. Abhishek Raj, Advocate.
For the Respondent	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-01-2025

Petitioners-Union of India and others have assailed the order of the Central Administrative Tribunal, Patna Bench, Patna, dated 23.07.2024 passed in OA No.050/00782/2022.

2. Respondent-Sato Devi is alleged to be wife of the deceased-Jageshwar Paswan, retired Gang man, Jhanjharpur. He retired on 31.03.2012. Before his retirement, he is stated to have submitted an application to enter the name of respondent-



Sato Devi in the Service Book and it has been entered under the signature of Senior Officers. He had died on 07.12.2020. His first wife-Reshami Devi died on 06.06.2021. In this backdrop, core issue involved in the present lis is whether second wife-Sato Devi (respondent) is entitled to have the benefit of Family Pension and other benefits or not?

3. There is an inaction on the part of the official petitioners in not taking necessary action against the deceased-Jageshwar Paswan as and when he brought notice to the official petitioners that he has entered into a second marriage with respondent-Sato Devi. It is to be noted that her name has been entered in the service record of the deceased employee that she is a legally wedded wife. No doubt, she may be second wife, petitioners had a cause of action to take action against the deceased employee in the light of Conduct Rules in the month of March, 2012 or earlier to that date with reference to application of the deceased employee to make necessary entry of respondent's name in the Service Register. Thereafter, he had died on 07.12.2020 and so also first wife died on 06.06.2021. Taking note of these material information, respondent's Original Application No.050/00782/2022 has been allowed. Hence, the present writ petition.



4. Before 07.12.2020, the date on which deceased employee died, the official petitioners should have taken necessary steps to remove the entries made in the Service Register insofar as incorporating the name of the respondent-Sato Devi. Such steps have not been undertaken during the life time of the deceased employee. Now, at this distance of time and in the absence of deceased employee, hands of the official petitioners are tied and they are bound by the entries made in the Service Register which is attested by the Senior Officers. This entry cannot be tinkered at this distance of time.

5. In the light of these facts and circumstances, the petitioners have not made out a case.

6. Writ petition dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2025.
Transmission Date	NA

