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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 21719 of 2022

Shibani Biswas
Vs.
The State of West Bengal & ors.

Mr. Pranay Basak
Mr. Dipanjan Biswas
... for the petitioner

Mr. Avishek Prasad
... for the State

Affidavit of service filed in Court today be retained with the record.

The petitioner's grievance in this writ petition is that despite being entitled to family pension and despite the directions given by the District Controller (F & S), Nadia on July 2, 2020 to the Sub-Divisional Controller (F & S), Ranaghat, Nadia for conducting a local enquiry regarding the entitlement of the petitioner to get family pension, the said local enquiry has not been conducted. The petitioner is being unfairly treated, as she has not been given the benefit of the family pension. The petitioner claims to be an unmarried dependent daughter of her father, who was a retired State Government employee.

Mr. Avishek Prasad, learned Counsel appearing on behalf of the respondents challenges the maintainability of the writ petition. He submits that admittedly the

petitioner's father was a State Government employee and the appropriate forum for the petitioner would have been the State Administrative Tribunal for redressal of grievance connected to State services. He further placed reliance on **L. Chandra Kumar Vs. Union of India & ors.**, reported in **1997 (3) SCC 261**, in support of his contention that the jurisdiction that does not exist, cannot be assumed by the Court.

Considering the rival submissions of the parties and materials placed on record, this Court is of the view that the appropriate forum for redressal of the grievance of the writ petitioner would be the State Administrative Tribunal.

In view of the above, the writ petition being **W.P.A. 21719 of 2022** is **dismissed** for lack of jurisdiction.

However, it is made clear that this Court has not gone into the merits of the case.

All parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Lapita Banerji, J.)