

May 01, 2023
(7) ARDR

WPA 7215 of 2023

Ajay Shaw
Vs.
The Union of India & Ors.

Adv. Shareq Siddique,
Adv. Shahnawaz Alam,
Adv. Rajdeep Bhattacharya,
...for the petitioner.
Adv. Rajib Mukherjee,
Adv. Shyasree Bhaduri,
...for the BSNL.

The petitioner prayed for compassionate appointment since his father died in-harness being an employee of Bharat Sanchar Nigam Limited (BSNL), on May 8, 2021. The prayer of the petitioner was rejected by the authorities concerned. Challenging such order of rejection the petitioner has filed the instant writ petition.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner, submits that the petitioner's father was an employee under the Central Government and, therefore, this Court has no jurisdiction to entertain the present writ petition. The appropriate Tribunal under The Administrative Tribunals Act, 1985 is the proper forum for adjudication of the petitioner's grievances.

Considering the rival submissions of the parties, materials placed on record and also a decision passed by a coordinate Bench in WPA 7402 of 2021 (**Mahua Chakraborty & anr. vs. Union of India & Ors.**), this Court is of the view that the appropriate tribunal under

the Administrative Tribunals Act, 1985 is the authority where the petitioner's grievance should be ventilated at the first instance. The Court also relies on the judgment of the Apex Court reported in **(1995) 1 SCC 400 (L. Chandrakumar vs. Union of India)**.

With the observations made hereinabove, the writ petition being **WPA 7215 of 2023** is **dismissed** with liberty to approach the appropriate tribunal on the self-same cause of action, if so advised.

This Court has also taken into consideration the notification issued on October 31, 2008 by the Ministry of Personnel, Public Grievances and Pensions, Government of India.

Since no affidavits have been directed to file in the instant writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the serve copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Lapita Banerji, J.)