

25.09.2023
DL-13
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19592 of 2023

Banani Mahato Pramanik
Vs.
The State of West Bengal & Ors.

Ms. Sudipa Biswas

....for the petitioner.

Mr. Arjun Ray Mukherjee,
Mr. Subhendu Sengupta

....for the State.

The petitioner's grievance is that her father died-in-harness on December 17, 2020 as Head Forest Guard of Lalgurh Range, Medinipur Division. The petitioner's prayer for compassionate appointment that was made on January 4, 2021 by her mother has still not been considered by the authorities concerned. Challenging such inaction on the part of the authorities, the present writ petition has been filed. Furthermore, the pensionary benefits have not been released in favour of the petitioner/or her mother.

Mr. Sengupta, learned counsel appearing on behalf of the State respondents submits that the deceased employee has other heirs, being the first wife and her children. He also submits that the writ petition is not maintainable since the petitioner's father was a State Government employee.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the appropriate tribunal is the Court at

the first instance following the Apex Court's judgment in **L. Chandra Kumar vs. Union of India & Ors.** [(1997) 3 SCC 261].

Therefore, this Court does not have the jurisdiction to receive, try and entertain the present petition.

Accordingly, **WPA 19592 of 2023** is **dismissed**.

The Parties will be at liberty to approach the appropriate forum, if so advised.

It is made clear that this Court has not gone into the merits of the writ petition.

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

(Lapita Banerji, J.)