

29.11.2024

Ct. 23

D/L 6

ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 15065 of 2024

Swati Biswas & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Aditya Sen

.... for the petitioners

Mr. Susovan Sengupta,
Mr. Subir Pal

... for the State

Mr. Sourav Mondal,
Mr. S. Paul

... for the respondent nos. 3 & 8

The petitioners are aggrieved by non-disbursal of the family pension of their father, who was admittedly a Government servant holding a civil post under the Union of India as also under the State.

In view of Sections 14 and 15 read with Sections 28 and 3(q) of the Administrative Tribunals Act, 1985 (in short, 'the 1985 Act') and the ratio laid down in the judgment reported in **(2020) 17 SCC 602 (AIIMS Vs. Sanjiv Chaturvedi & Ors.)**, I find this Court lacks the jurisdiction to receive, try and determine the instant writ petition.

The writ petition is accordingly dismissed with liberty to the petitioners to file an appropriate application on the self-same cause of action before the jurisdictional Tribunal constituted under the 1985 Act,

if the petitioners are otherwise entitled to in law. The time spent between 28th May, 2024 being the date of filing of the writ petition and today (29.11.2024) shall be construed as time spent in prosecuting a litigation bona fide before a Court without jurisdiction.

(Arindam Mukherjee, J.)