

**11.06.2025**

Item No.08

Crt.No.02

b.r.

**WPA 3348 of 2025**

***Qutubuddin Ansari***

***-vs-***

***The Union of India & Ors.***

**Mr. Debanik Banerjee**

**Ms. Huzaifa Shahid**

**..... for the petitioner.**

**Mr. Dibasis Basu**

**Mr. Sukanta Ghosh**

**.... For the Respondents.**

Affidavit of service filed in Court today, is taken on record.

The petitioner as an Ex-Service man claims certain pensionary benefits and arrears in addition what he has already received. He submits that because of certain Government policy adopted later on he has raised his claims.

Mr. Debanik Banerjee, learned counsel appearing for the petitioner, in his usual fairness submits that the cause of action in this writ petition is otherwise to be adjudicated by the jurisdictional Armed Force Tribunal but since the judicial member is not there, the Tribunal has not been functioning. He further submits that there is no information available as to when the said Tribunal would resume.

Mr. Dibasis Basu, learned advocate appearing for the respondents upon being asked by this Court has also informed that presently the Tribunal is not functioning as the judicial member is not there and he has also not received any instructions since when it will resume.

In such view of the matter, there is no bar in exercising the authority of this Court under Article 226 of the Constitution of India.

The petitioner has submitted a representation dated **November 27, 2024, annexure p-4 at page-35** to the writ petition through its advocate's letter, the same has also not been considered.

In view of the above, the **respondent no. 2** upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the said representation dated **November 27, 2024 at page-35** to the writ petition by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the **respondent no.2.**

The entire exercise shall be carried out and completed by the respondent no.2 positively within a period of **eight weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the appropriate authority shall give an immediate effect thereto in accordance with law but positively within a period of **six weeks** from the date of the said reasoned order to be passed..

It is also made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the **respondent no.2 strictly** in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 3348 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**