

W.P.C.T. 38 of 2025

Jaya Bhaduri
Vs.
Union of India & Ors.

Mr. Bhudeb Bhattacharyya, Sr. Adv.,
Mr. Sugata Shankar Roy

...for the Petitioner
Mr. Subhankar Chakraborty,
Mr. Jasojeet Mukherjee
...for the Union of India

1. Heard the learned counsel for the petitioner and the learned counsel for the Union of India.
2. The petitioner had approached the Central Administrative Tribunal ('Tribunal' for short) earlier for assailing certain orders rejecting the petitioner's claim for family pension and for a direction to give the petitioner the family pension. The Tribunal allowed the authorities to consider the petitioner's claim. Such direction was issued in the petitioner's earlier O.A. No.816 of 2022 disposed of on 10.08.2022.
3. It is submitted by the petitioner's learned counsel that on 21st November, 2022, the authorities rejected the claim.
4. The learned counsel for the petitioner submits that omission to make a prayer for challenging the order of 21.11.2022 has resulted in dismissal of the O.A. by the Tribunal as in absence of such

claim, the prayer made for grant of family pension has not been entertained. He submits that the Tribunal has proceeded to dismiss the O.A. by holding that the second O.A. for substantially the same relief between the same parties is barred by principle of *res judicata*.

5. It is further submitted by the learned counsel for the petitioner that considering the nature of claim raised by the applicant for family pension, an opportunity be given to the petitioner to approach the Tribunal assailing the reasoned order dated 21.11.2022.
6. With such liberty, the Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)