

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 8677 OF 2025

PINTOO

VS.

UNION OF INDIA & OTHERS

Mr. Surendra Kumar Sharma, Adv.

...for the Petitioner

Mr. Prantik Garai, Adv.

Mr. Bandhu Brata Bhula, Adv.

...for the SAIL

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. On hearing the learned advocates representing the parties it appears that petitioner is an employee of Steel Authority of India Limited (for short, 'SAIL') and the issue involved in this writ petition pertains to service of the petitioner being an employee of SAIL.
3. At the threshold, learned advocate representing SAIL has questioned the jurisdiction of this Court to entertain this writ petition and reliance is placed on Sections 14 and 28 of the Administrative Tribunals Act, 1985 (hereinafter referred to as '*said Act of 1985*').
4. It is also submitted that notification dated 31st March, 2010 was issued in terms of Sections 14(2) and 14(3) of the said Act of 1985 wherein certain entries were made after serial no.191 in the Schedule

of the said notification thereby declaring 15th April, 2010 as the date on and from which provisions of Section 14(3) of the said Act of 1985 shall apply to SAIL. In the Schedule of the said notification dated 31st March, 2010, SAIL is specified against serial no.201.

5. Learned advocate representing the petitioner has relied upon one judgment of the Hon'ble Supreme Court reported in **(2023) SCC OnLine SC 95 (Godrej Sara Lee Ltd. vs. Excise and Taxation Officer-cum-Assessing Authority and Ors.)**, in order to demonstrate before this Court that alternative remedy is no bar in entertaining the writ petition. It is observed in paragraph 4 of **Godrej Sara Lee (supra)** that it is axiomatic that High Courts (bearing in mind the facts of each particular case) have discretion whether to entertain a writ petition or not. It is further submitted that on such issue there are other judgments of the Hon'ble Supreme Court observing alternative remedy is no bar in entertaining the writ petition.
6. Taking note of the submissions made on behalf of the parties and the law enunciated by the Hon'ble Supreme Court in **Godrej Sara Lee (supra)**, it is trite that availability of alternative remedy is no bar in

entertaining a writ petition in a particular case. But the case at my hand is not touching upon identical issue rather this Court is required to decide the issue based on Section 14 of the said Act of 1985 which operates as bar in entertaining a writ petition pertaining to service of an employee working in SAIL in view of notification dated 31st March, 2010.

7. It is not a case of availability of alternative remedy rather it is a case of only statutory remedy available to the petitioner at this stage of the proceedings that is to approach Central Administrative Tribunal.
8. In view of aforesaid no relief can be granted to the petitioner.
9. Writ petition stands dismissed.
10. However, this order shall not preclude the petitioner to approach Central Administrative Tribunal, in accordance with law, in pursuit of redressal of his grievances.

(SAUGATA BHATTACHARYYA, J.)