

18.09.2025
Item No.3
gd/ssd

MAT/1497/2025
SUVADEEP MAJUMDER
VS
THE SENIOR SUPERINTENDENT OF POST OFFICES,
NORTH PRESIDENCY DIVISION,
BARRACKPORE AND ORS.
IA NO: CAN/1/2025

Mr. Rajdeep Mantha,
Mr. Mainak Biswas
..for the Appellant.

Mr. Suman Chattopadhyay
..for the Respondents.

1. Learned counsel for the appellant submits that the appellant is the son of a deceased employee of Postal Department of Central Government. He filed WPA 15567 of 2025 which was dismissed by order dated 01.08.2025. The learned Single Judge opined that the jurisdictional civil court can proceed in the matter independently without influenced by any observation.

2. On a specific query from the Bench, learned counsel for appellant fairly submitted that a conjoint reading of Section 3(q), Section 14 and Section 19 of the Administrative Tribunals Act, 1985 interpreted by Delhi High Court in ***Ms. Nighat Parveen v. Union of India & Ors.*** reported in ***ILR (1996) 1 Delhi*** and in ***N. Balasubramaniam v. Government of Tamil Nadu*** in ***Writ Petition No.64***

of 1989 dated 19th January, 1989, it is clear that a relief of present nature can be raised before the Central Administrative Tribunal. He further fairly urged that under Section 19 of the Central Administrative Tribunals Act, both “action” and the “inaction” of department can be called in question and, therefore, appropriate remedy is before the Central Administrative Tribunal.

3. He prayed that the order of learned Single Judge may be set aside whereby appellant was relegated to avail the remedy before the civil court and appellant may be given liberty to assail the action/inaction before Central Administrative Tribunal.

4. We find substance in his argument.

5. The point raised is no more *res integra*. In

J.B. Chopra v. Union of India reported in **(1987) 1 SCC 422** the Apex Court held as under:

“It accordingly follows that the Administrative Tribunal being a substitute of the High Court had the necessary jurisdiction, power and authority to adjudicate upon all disputes relating to service matters including the power to deal with all questions pertaining to the constitutional validity or otherwise of such laws as offending Articles 14 and 16(1) of the Constitution.”

6. The Apex Court in **Union of India v. Deep Chand Pandey** reported in **(1992) 4 SCC 432** opined that a conjoint reading of Section 14 and Section 3(q) of the Administrative Tribunals Act

clearly indicates that the Act covers a very wide field, and there is nothing to suggest that the provisions dealing with the jurisdiction of the Tribunal should receive a narrow interpretation.

7. The Calcutta High Court in ***Surabala Saha v. Collector of Customs*** (MANU/WB/0412/1995) recorded as under:

“17. Section 14 of the aforesaid Act provides that the Central Administrative Tribunal shall on and from the appointed day exercise all powers and authority exercisable by all Courts, except the Supreme Court under Article 136 of the Constitution in support of all service matters, concerning a person appointed to any Civil Service of the Union or any civil post under the Union, ‘Service matters’ have been defined in Section 3(q) of the Act to include matters relating to remuneration, pension and other benefits.

18. Since payment of the pensioner and other monetary benefits of a former employee of the Union of India is the subject-matter of the instant case, there is no doubt in my mind that the provisions of the Administrative Tribunals Act, 1985, are squarely attracted, and the Petitioner’s remedy in respect thereof would be before the Central Administrative Tribunal, having regard to the provisions of Sections 14, 28 and 29 of the said Act.”

8. The Calcutta High Court in ***Rebati Mondal v. Ushal Mondal*** reported in **2016 SCC Online Cal 7428** opined as under:

“16. In the instant case, the petitioner claimed through the deceased employee as a legally wedded wife the pension and the other retiral benefits before the Civil Court. There appears to be a serious dispute over her status but unfortunately there is no declaration sought for such status.

23. In the instant case, there is no express relief claimed by the petitioner and the relief is restricted to pension and pensionary benefits and, therefore, squarely comes within the ambit of service matters. There is no impediment on the part of the plaintiff/opposite party to approach the Tribunal.”

9. In view of above authoritative pronouncements, we find no reason to take a different view than the view taken in the said cases and rightly agreed by learned counsel for the appellant.

10. Resultantly, impugned order of learned Single Judge is set aside.

11. The appellant may approach the Central Administrative Tribunal for the present.

12. With the aforesaid observations, the intra court appeal is disposed of.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)