

13.05.2025
Court No.1
Item No.25
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 31 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
Smt. Pema Pradhan
Vs.
Union of India and Ors.**

Mr. Mayank Bhandari
Mr. Rajan Raj

... For the Appellant.

Mr. Sudipto Kumar Mazumdar, Ld. D.S.G.I.
Mr. Tridip Saha
Mr. Saptak Sarkar

... For the Union of India.

1. The appellant second wife has challenged an order dated 8th January, 2025 passed by a Single Bench of this Court. The dispute raised by the writ petitioner/first wife centers around a claim for pension out of the service of the deceased husband, who was an employee of the defence forces being MES.

2. The writ petitioner/first wife, sought pension on account of the death of the husband, which was opposed by the private respondent/second wife. It is alleged by the second wife that the writ petitioner has during the subsistence of her marriage with the deceased employee married again. These are on facts.

3. A more fundamental issue is raised by the learned counsel for the appellant. He submits that any grievance with regard to the service of an employee of MES must be raised before the Central Administrative Tribunal constituted under the Administrative Tribunals Act, 1995.

4. There is substance in the argument of the learned counsel for the appellant, notwithstanding the fact that the order passed by the Single Bench is rather innocuous.

5. In view of the above, the impugned order dated 8th January, 2025 shall stand set aside granting liberty to the writ petitioner/first wife as also to the appellant herein to file an appropriate application before the respondent authorities first for an appropriate decision on the claim for pension on account of the deceased employee.

6. If the respondents have already not decided the rival claims of the appellant and the writ petitioner for pension, the respondents may take a decision and communicate to the parties. Any grievance that the two wives may have against each other, may be agitated in future before the Central Administrative Tribunal.

7. With the aforesaid observation, the appeal is allowed and disposed of.

8. Consequently, all connected pending applications, if any, are also disposed of.

9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)