

S/L 40
20.05.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 9571 of 2026

Tejnarayan Singh
Vs.
The Union of India & Ors.

Mr. Tanmoy Chattopadhyay
Mr. Jay Laha

...for the Petitioner.

Mr. Dibashis Basu
Mrs. Tanusree Ghosh
Mr. Arun Bandyopadhyay

...for the Union of India.

Mr. Aniruddha Dutta (VC)

...for the Respondent No.6.

1. Affidavit of service filed in Court today be kept with the records.
2. The petitioner claims to be the father of an Airman employed with the Indian Air Force who died while on duty on November 18, 2017. The son of the petitioner was awarded Ashok Chakra (posthumously) on January 26, 2018.
3. The petitioner seeks for a direction upon the respondent authorities for grant of a portion of the pension in his favour as he requires the money for his medical treatment and also for the treatment of his wife.
4. The son of the petitioner was married and on his death terminal dues were granted in favour of the widow of the Airman, i.e., the daughter-in-law of the petitioner, the respondent no.6 herein.

5. It has been submitted that the petitioner is living in a hand to mouth situation and requires immediate financial assistance for his and his wife's survival.

6. The official respondents and the private respondent, i.e., the daughter-in-law of the petitioner raise objection with regard to the maintainability of the writ petition.

7. It has been submitted that the petitioner ought to have approached the Armed Forces Tribunal for relief. The writ petition before this Court will not be maintainable.

8. Learned advocate for the petitioner has brought to the notice of the Court that the Armed Forces Tribunal does not function on regular basis. It was not functional on the day the writ petition was filed on April 18, 2026. The Tribunal assembled only for three days from May 18 till May 20, 2026.

9. Learned advocate for the petitioner pleads that as the petitioner is a resident of Bihar and it will not be possible for him to approach any other forum, accordingly, prayer has been made to entertain the writ petition.

10. Upon hearing submissions made on behalf of the parties, I am of the opinion that any order passed by the Court which does not have jurisdiction to entertain the dispute, will be coram non judice, ab initio bad in law.

11. The Calcutta High Court, under Article 226 of the Constitution of India, will not be the appropriate forum to adjudicate the dispute of the petitioner. The proper forum would be the Armed Forces Tribunal at Calcutta.

12. As the petitioner claims that the Tribunal is not functioning on regular basis, accordingly, it will be open for the petitioner to approach either the Principle Bench of the Armed Forces Tribunal at New Delhi or any other appropriate forum in accordance with law, if so advised.

13. The writ petition stands dismissed.

14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)