

W.P.A. 30032 of 2025
IA No. CAN 1 of 2026

Shyamal Sarkar
Vs.
Union of India & Ors.

Mr. Sasanka Kumar Mondal

...for the petitioner

Mr. Indrajeet Dasgupta
Mr. Gourab Maiti
Ms. Amrita Pandey

...for the UOI

1. Matter is taken up for consideration when prayer is made for extension of interim order passed on 31st December, 2025 by a coordinate bench.
2. On hearing the learned advocates representing the petitioner and Union of India it appears that petitioner is serving in Central Silk Board under Ministry of Textiles, Government of India.
3. By presenting this writ petition, petitioner has prayed for direction which would permit the petitioner to retire at the age of 60 years instead of 58 years.
4. Indisputably petitioner is serving under the Central Government as a result whereof in case of any grievance relating to service of the

petitioner same needs to be adjudicated by the Central Administrative Tribunal having jurisdiction under Section 14 of the Administrative Tribunal Act, 1985.

5. In the judgment of Hon'ble Supreme Court **L. Chandra Kumar vs. Union of India & Others** reported in **(1997) 3 SCC 261** specially in paragraphs 90, 91, 92, 93 and 99 it was succinctly decided that jurisdiction of High Court under Articles 226/227 of the Constitution of India and Supreme Court under Article 32 of the Constitution of India is part of inviolable basic structure of Constitution and same cannot be ousted by rigor of Article 323-A(2)(d) and Section 28 of the Administrative Tribunal Act. Consequently, jurisdiction of Division Bench of High Courts so far exercise of power of judicial review under Articles 226/227 was saved.
6. In the present case, petitioner is serving under the Central Government and in view of Section 14 read with Section 28 of Administrative Tribunal Act, 1985 petitioner needs to approach Central Administrative Tribunal in connection with any matter relating to his service.

7. Coordinate bench passed interim order on 31st December, 2025 considering that Central Administrative Tribunal is not functioning. However, it is found from the submissions made on behalf of the parties that Christmas Vacation was going on in Central Administrative Tribunal for a limited period for which it ought not to be construed that Central Administrative Tribunal is not functioning.
8. Hence, the issue involved in this writ petition needs to be decided by the Central Administrative Tribunal not by the High Court at this Stage since Central Administrative Tribunal is functional.
9. Reliance is placed on the judgment of this Court delivered on 13th January, 2026 on a writ petition being **WPA 27327 of 2025 (Md. Masidul Islam vs. The State of West Bengal & Ors.)** wherein it was decided that Single Bench of High Court can entertain writ petition in a situation where vacancies of Chairman and all Members of the Tribunal are not filled up and State Administrative Tribunal is not functioning. Here situation is different, for a limited period Christmas Vacation was continuing in Central Administrative Tribunal

for which it cannot be concluded that Central Administrative Tribunal is not functioning.

10. In aforesaid conspectus writ petition at this stage is not maintainable. Same stands dismissed.

11. Interim order stands vacated.

12. However, this order shall not preclude the petitioner to approach Central Administrative Tribunal on the self same cause of action.

13. Application being CAN 1 of 2026 is also dismissed.

14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)