GAHC010185672025

2026:GAU-AS:16867

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4869/2025

RIMA BARUAH
W/O- LATE KAILASH DAS, R/O- HOUSE NO. 3, AEC ROAD, PRAGJYOTISH NAGAR, P.O. GAUHATI UNIVERSITY, P.S. JALUKBARI, GUWAHATI, KAMRUP METRO, PIN- 781014.

VERSUS

THE UNION OF INDIA AND ANR
PRASAR BHARATI, INDIA PUBLIC SERVICE BORADCASTER, DOORDARSHAN KENDRA, GUWAHATI, REPRESENTED BY DEPUTY DIRECTOR GENERAL (E)/ HEAD OF OFFICE (CUSTER HEAD), DOORDARSHAN COMPLEX, AIDC, R.G. BARUAH ROAD, GUWAHATI-781024.

2:THE PAY AND ACCOUNTS OFFICER (NER)

DOORSARSHAN COMPLEX
R.G. BARUAH ROAD
GUWAHATI-781024.

3:REKHA RANI DAS
D/O LT. KRISHNA KANTA DAS
R/O 3 NO. GORESWAR
NEAR SHANKAR MANDIR
GORESWAR
P.O. AND P.S. GORESWAR
DIST- TAMULPUR
BAKSA
(BTAD)
PIN-78136

Advocate for the Petitioner : MR. K D CHETRI, MR. R BORPATRA,MR. M SARMA,MR. K D

CHETRI,MR. M K CHOUDHURY

Advocate for the Respondent : DY.S.G.I., MS S.DAS(R3),MS. S SARMA(R3),MR. J P DAS(R3),MR. S S ROY (C.G.C)

BEFORE :

HON'BLE MR JUSTICE NCHUMBEMO MOZHUI

Advocates for the Petitioner(s) : Mr. M.K. Choudhury, Sr.
Adv. assisted by K.D.Chitri

Advocate for the Respondent(s): Mr. S. Borthakur on
behalf of Mr. S.S. Roy

Date on which judgment is reserved : **12.11.2026**

Date of pronouncement of judgment : **17.11.2026**

Whether the pronouncement is of
the operative part of the judgment : Full judgment.

Whether the full judgment has been
pronounced : Yes.

JUDGEMENT & ORDER (CAV)

Heard Mr. M.K. Choudhury, learned Senior Advocate, assisted by Mr. K.D. Chitri, learned counsel for the petitioner. Also heard Mr. S. Borthakur, learned counsel appearing on behalf of Mr. S.S. Roy, learned counsel for the respondents.

2. The instant petition is filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of Mandamus/Certiorari and/or any other appropriate Writ/Direction or Order/Orders of like nature for quashing and setting aside the impugned Letter No. DDK/GUW/68(18)/FP/2025-26/AC/768 dated 08.08.2025, issued from the office of the Doordarshan Kendra, Guwahati, whereby the petitioner was declared as not entitled to GPF amount, not to give effect to the impugned Letter No. DDk/GUW/68(18)/FP/2025-26/AC/768 dated 08.08.2025, issued from the office of the Doordarshan Kendra, Guwahati and as to why a further direction shall not be issued to the Respondent authority to declare the petitioner to be entitled for the GPF amount, Leave Encashment and CGEGIS to be settled in favor of the petitioner.

3. Mr. M.K. Choudhury, learned Senior Counsel for the petitioner submits that the petitioner was socially married to Kailash Das on dated 29.05.2010 and out of their wedlock, the petitioner had a male child namely Debajit Das. The petitioner's husband was an employee of Doordarshan Kendra, Guwahati. The petitioner's husband expired on dated 24.04.2024. During the life time of the petitioner's late husband, petitioner's name as well as their child name was inserted in the service book of the petitioner's late husband as his family.

3.1. The learned Senior Counsel further submits that the petitioner had filed a Maintenance Case vide F.C. (Crl) Case No. 300/2021, against her husband, Kailash Das, in the year 2021, before the Principal Judge Family Court, Guwahati, for the negligence of her husband, Kailash Das, to maintain the petitioner and their minor child. During the pendency of the maintenance case before the Family Court, Kailash Das, petitioner's husband had expired.

3.2. It is further the contention of the learned Senior Counsel that the Office of the Doordarshan Kendra, Guwahati, and upon all necessary official formalities,

Death Gratuity and PPO vide No., P.P.O vide No. 288752500344 were settled and issued in favor of the petitioner. The said office, thereafter, issued Form 2 for provident fund (GPF) amount and accordingly, petitioner filled the same and with all necessary documents along with Next of Kin Certificate submitted the same on dated 28.03.2025, to the office of the Doordarshan Kendra, Guwahati.

3.3. The petitioner, even after lapse of almost two months after submitting of the Form 2 for provident fund amount, no update was been made, accordingly, the petitioner had made an application on dated 10.06.2025, for early settlement of the provident fund amount (GPF), Leave Encashment and CGEGIS. In reply to the petitioner application, dated 10.06.2025, office of the Doordarshan Kendra, Guwahati, through Senior Administrative Officer gave a copy of the purported Letter No. DDK/GUW/27(4)/2025/(KD)/419 dated 19.06.2025, which was issued to the Pay & Account Office (NER), Doordarshan, Doordarshan Complex, Guwahati. The said purported letter dated 19.06.2025, reveals that petitioner husband Late Kailash Das, had during his lifetime changed the nominations in his service book cancelling the name of the petitioner and inserted new nominee i.e. sister of Kailash Das and the same was accepted by the office without any legal document of divorce and judicial separation.

3.4. It is also further contented that the petitioner's husband in collusion with the officials of the Doordarshan Kendra, Guwahati, had cancelled the name of the petitioner from nominations in the service book, while the maintenance case was pending before the Family Court, Guwahati. The said purported letter dated 19.06.2025 also contains that service record of the petitioner husband, did not have any legal documents of divorce and judicial separation, hence, along with GPF amount, Leave Encashment and CGEGIS be settled in favor of the

petitioner.

3.5. By Letter No. DDK/GUW/68(18)/FP/2025-26/AC/768 dated 08.08.2025, the Office of the Doordarshan was issued to the petitioner stating that the petitioner is not entitled to the GPF amount, as the petitioner husband had changed the nominations before his death under GPF Rule 5 (4). Being aggrieved, the petitioner had filed the instant petition seeking indulgence of this Hon'ble Court.

4. Mr. S. Borthakur, learned counsel appearing on behalf of Mr. S.S. Roy, learned CGC, for the respondent Nos. 1 & 2, submits that the allegation set forth by the petitioner in the instant case and the relief so sought for cannot be adjudicated by this Hon'ble Court on the ground that a coordinate bench of this Court in the case of ***MONORANJAN CHANDA Vs. UNION OF INDIA AND 9 ORS*** in ***WP(C) No. 6007/2019***, has held that the writ petition cannot be entertained in view of the judgment of the Apex Court rendered in ***L. Chandra Kumar vs. Union of India and Other*** reported in ***(1997) 3SCC 261***. It is pursuant to this that the matter has been listed before the Court for a decision as to whether the writ petition ought to be entertained into its present form. Referring to Section 14 of the Administrative Tribunals Act, 1985, the jurisdiction, powers and authority of the Central Administrative Tribunal have been clearly demarcated under the provisions of the Act. In terms of Section 14 of the Administrative Tribunals Act, 1985, from the appointed day, all the jurisdiction, powers and authority exercised will be immediately, before that day, by all Courts except the Supreme Court of India. Section 14 of the Central Administrative Tribunal, 1985 is quoted herein below for ready reference:

14. ***Jurisdiction, powers and authority of the Central Administrative Tribunal****. - (1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all Courts except the Supreme Court [*] in relation to-*

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning-

(i) a member of any All-India Service; or

(ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any

service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation [or society] or other body, at the disposal of the Central Government for such appointment.

[Explanation.-For the removal of doubts, it is hereby declared that references to "Union" in this sub-section shall be construed as including references also to a Union territory.]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies owned or controlled by Government, not being a local or other authority or corporation or society controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies.]

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the

jurisdiction, powers and authority exercisable immediately before that date by all Courts (except the Supreme Court [*] in relation to-

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society] and

(b) all service matters concerning a person other than a person referred to in clause (a) or clause (b) of sub-section (1) appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs.

4.1. Section 14 of the Administrative Tribunals Act, 1985 vests the Tribunal the jurisdiction, powers and authority, which was earlier exercised by the Court.

5. Learned Senior Counsel for the petitioner has placed reliance on the judgment of the Apex Court rendered in ***HARBANSILAL SAHNIA AND ANOTHER Vs. INDIAN OIL CORPN. LTD. and OTHERS***, reported in ***(2003) 2SCC 107***, wherein the Apex Court has held that: -

"*7. So far as the view taken by the High Court that the remedy by way of recourse to arbitration clause was available to the appellants and therefore the writ petition filed by the appellants was liable to be dismissed is concerned, suffice it to observe that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies: (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of principles of natural*

justice; f or (iii) where the orders or proceedings are wholly without jurisdiction or the vires of an Act is challenged. (See Whirlpool Corpn. v. Registrar of Trade Marks[1].) The present case attracts applicability of the first two contingencies. Moreover, as noted, the petitioners' dealership, which is their bread and butter, came to be terminated for an irrelevant and non-existent cause. In such circumstances, we feel that the appellants should have been allowed relief by the High Court itself instead of driving them to the need of initiating 9 arbitration proceedings."

As such, the findings of the Coordinate Bench that notwithstanding the provisions of Section 14 of the Act conferring jurisdiction on the Central Administrative Tribunal (CAT), where legal issues are raised which would undoubtedly transcend beyond the contours of the jurisdiction of the Central Administrative Tribunal, then, under such circumstances, the Writ Court is not denuded of its powers to entertain such an application.

6. Learned CGC for the respondents, on the other hand, has pressed into service the judgment of the Apex Court rendered in *L. Chandra Kumar (Supra)*, read with Section 14 of the Administrative Tribunals Act, 1985, that employees specifically covered under Section 14 of the Act must come under the jurisdiction of the Administrative Tribunal and the judgment of the Jammu Kashmir High Court arising out of which the matter was before the Apex Court, wherein the Jammu Kashmir High Court declined to transfer the matter to Central Administrative Tribunal, was accordingly interfered with.

7. This Court has taken into consideration of the arguments made by the learned counsel for the parties and the decisions relied upon.

8. Upon perusal of the pleadings and records available, as also the

judgments relied upon by the parties, it is observed that the grievance of the petitioner set forth before this Court is a challenge to the impugned Letter dated 08.08.2025 of the office of the Doordarshan Kendra, Guwahati, denying the legitimate claims of the petitioner by way of declaring the petitioner as not entitled to pensionary benefits in view of change in the nominee of the petitioner's late husband by replacing the petitioner and the minor child by the Ms. Rekha Rani Das, sister of petitioner's late husband and further direction to the Respondent authority to declare the petitioner to be entitled for the GPF amount, Leave Encashment and CGEGIS and be settled in favor of the petitioner.

9. Upon consideration of the records, it is also not disputed by the parties that the petitioner's late husband Kailash Das, who was an employee of a Central Government Office i.e., Doordarshan Kendra, Guwahati under the Ministry of Information & Broad Casting, Government of India and the grievance set forth by an employee of Central Government Office, the appropriate forum would be the Central Administrative Tribunal (CAT) and not before the High Court in view of the provisions of Section 14 of the Administrative Tribunal Act, 1985.

10. A careful perusal of the facts pleaded reveals that there is no challenge to any provisions of the Act or the Rules or any Office Memorandum or notification to that effect. The issues before the Court do not require any interpretation of any law. It is a question of determining whether the claims made by the petitioner vis-à-vis the norms and the Rules followed by the respondents are to be allowed or not in view of the claims made by the petitioner that the benefits of GPF amount, Leave Encashment and CGEGIS had not been given effect to.

11. Under such circumstances, in view of the circumspection of the specific

provisions on Section 14 of the Administrative Tribunals Act, 1985, read with the judgment of the Apex Court rendered in *L. Chandra Kumar (Supra)*, the matter is relegated to the Central Administrative Tribunal, Guwahati. The Tribunal is requested to proceed for hearing in the matter by extending due benefit to the writ petitioner for the period during which the petitioner had been pursuing the remedy before this Court. The petitioner will file the application afresh before the Tribunal within a period of 30 (thirty) days from the date of receipt of a certified copy of this order.

12. Pursuant to the observation made above and upon relegation of the matter to the Central Administrative Tribunal, Guwahati, the respondent authorities shall not take any steps for settlement of the benefits of GPF amount, Leave Encashment and CGEGIS in favor of the petitioner's late husband sister Ms. Rekha Rani Das.

13. With the above observation, the writ petition stands disposed of without expressing any opinion on the merits *inter se* between the parties. The Central Administrative Tribunal, Guwahati will proceed to hear the matter and pass an effective order as expeditiously as possible after affording opportunities to all the parties.

14. No order as to cost.

JUDGE

Comparing Assistant