

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 642 of 2024

Dipali Jana - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mrs. S. Mitra,
and Learned Advocate

Date of order
2
24.02.2025 For the Respondents : Mr. G.P. Banerjee,
Learned Advocate

For the Respondent No. 6 : Mr. R. Maiti,
Learned Advocate

For Pr. A.G. (A & E), : Mr. B. Mitra,
W.B. (Departmental Representative)

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Vakalatnama has been filed by Mr. R. Maiti.

The applicant has filed this application praying for a direction to the respondent authorities to grant family pension and other benefits to her being the wife of deceased employee, Sukhesh Ranjan Jana.

From submissions of the learned counsels and records in this application, it appears that respondent no. 6, Gita Rani Jana has been accepted as the legal wife of the deceased employee and receives the family pension. On the other hand, the applicant in her application mentions that such family pension given to the private respondent was earlier challenged by the applicant in this form in O.A. 926 of 2010. The Tribunal in its order dated 29.11.2010 observed that the matter relates to family dispute and should be appropriately heard and considered by the competent learned Civil Court. In terms of such a direction, the applicant had filed a title suit no. 1626 of 2015 before the learned Court of 7th Judge, CT Civil Court, Kolkata. The learned Court its order dated 27.09.2023 dismissed the same suit. It has been submitted by the applicant side that the applicant receives her maintenance allowance under 125 of Cr.P.C. Learned Court of the second J.M., Barasat had observed that “it is proved that the petitioner is the legally married wife of the O.P.”. However, the Tribunal’s observation is that since she was not successful in the Civil Suit, the question of such an order under section 125 Cr.P.C.

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is not relevant. The Tribunal is also of the opinion that the same prayer was filed in the form of an application before this Tribunal. Therefore, filing another application praying for same prayers is not maintainable, and therefore, this application is not admitted.

This application is disposed of with the above findings.

**SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P.