

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. –OA 182 OF 2022**

**SMT. MANJU TIGGA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. Gautam Pathak Banerjee, Advocate
<u>2</u> 19.05.2022	For the Respondent	: Mr. Sankha Ghosh, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, Smt. Manju Tigga, the applicant, has prayed for several reliefs, the relevant portion of which is as under:

*“(a) A mandatory direction do issue upon the concerned respondent authorities, particularly upon the Joint Commissioner of Police (O), Kolkata, the respondent No.3 herein, to forthwith set aside / cancel / withdraw / rescind / quash the impugned letter of eviction dated 03.03.2022 issued by him under Memo. 2916/Bldg./B / 31 / 2021 in favour of the applicant and further, direct the said authority to allow the applicant to reside at her present Government premises, which was allotted in the name of her deceased husband, after deducting the rent of the same with arrears from the salary of the applicant till allotment of a Government premises in her favour on the basis of her application dated 11.06.2018, upon consideration of the representation dated 14.03.2022 of the applicant, all being Annexure-“B” herein, and to command them to act in accordance with law;”*

The husband of the applicant, who was a Sergeant Major of Kolkata Police, had died-in-harness on 2<sup>nd</sup> June, 2006. Thereafter, in the year 2013 the applicant got appointment on compassionate ground as ‘Peon’ in Kolkata Police

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and is presently posted at the office of the Deputy Commissioner of Police, 8<sup>th</sup> Battalion, Kolkata Armed Police on deputation.

The applicant has challenged the eviction letter dated 3<sup>rd</sup> March, 2022 directing her to deliver the vacant possession of the premises no. KE-3 of 20 Dum Dum Road PHE, Kolkata, to the caretaker.

It is submitted by Mr. Gautam Pathak Banerjee, learned advocate for the applicant since the applicant on 11<sup>th</sup> June, 2018 has filed an application for grant of licence for occupation of government premises and is paying rent for the flat now in her occupation, the memo dated 3<sup>rd</sup> March, 2022 be kept in abeyance.

SCN.

Mr. Sankha Ghosh, learned advocate appearing on behalf of the State respondents, on instruction, submits that since the quarter occupied by the applicant is earmarked for officers and the applicant is a Group 'D' staff, such prolonged occupation of such premises is unjust and illegal and therefore, no order be passed.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, as I find no case has been made out for occupation of the flat no. KE-3 of 20 Dum Dum Road PHE, Kolkata, no order is passed on the application. However, as the applicant has filed an application on 11<sup>th</sup> June, 2018 praying for a licence for occupation of government premises according to her present status, being a Group 'D' staff, the Deputy Commissioner of Police, 8<sup>th</sup> Battalion, Kolkata Armed Police, Kolkata, the respondent no.5 is directed to forward the said application before the appropriate authority within a fortnight from the date of presentation of a copy of this order downloaded from the website of the Tribunal.

(SOUMITRA PAL)  
CHAIRMAN