

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. – OA 478 of 2020.**

SIMA JANA- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S.K. Das, Advocate.
<u>2</u> 01.02.2021	For the State Respondent	: Mr. S.N. Ray, Advocate.
	For the Private respondent (Respondent No.7)	: Sk. J. Alam, Advocate.

Let affidavit of service filed be kept on record.

Let vokatatnama filed by Mr. Sk. J. Alam, learned advocate for the respondent no 7, be kept on record.

Since despite service of notice, none appears on behalf of the State respondents, Mr. S.N. Ray, learned advocate, who normally appears on behalf of the State authorities, is requested to appear on behalf of State respondent Nos. 1,2,3 and 4. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Ray. Let a copy of this original application be served on Mr. Ray, which is served and accepted.

In this application, Sima Jana, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

- a) *A mandatory order be passed directing the Respondent authorities, their men, agents and subordinates and each one of them particularly the Deputy Director, Animal Resources Development & Parishad Officer, Jhargram, Respondent No. 3 herein & Block Live Stock Development Officer, Jhargram, Respondent no. 4 herein to forthwith take steps to incorporate the name of the Applicant herein in the Service Book and Pension Book and other retirement documents of the Respondent No.7 herein in the capacity of being his first legally married wife who is due to retire on 31<sup>st</sup> December, 2020 from the post of Group-“D” staff and attached to the office of the Deputy Director, Animal Resources Development & Parishad Officer, Jargram,*

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*Respondent No. 3 herein.*

b) *A further mandatory order be passed directing the Respondent Authorities their men, agents and subordinates and each one of them particularly the Deputy Director, Animal Resources Development & Parishad Officer, Jhargram, Respondent No.3 herein & Block Live Stock Development Officer, Jhargram, Respondent no. 4 herein to forthwith take a decision on the basis of the Representations dated 12<sup>th</sup> October, 2020 submitted by the Applicant herein being Annexure-“A-5” to this Original Application thereby requesting the Respondent Authorities to incorporate the name of the Applicant herein in the Service Book and Pension Book and other retirement documents of the Respondent No. 7 herein in the capacity of being his first legally married wife who is due to retire on 31<sup>st</sup> December, 2020 from the post of Group-“D” staff and attached to the office of the Deputy Director, Animal Resources Development & Parishad Officer, Jhargram, Respondent no.3 herein and to complete the entire exercise within a specified period of time...”.*

It is submitted by Mr. S.K. Das, learned advocate for the applicant that since the applicant is the legally married wife of Ajit Kumar Jana, the private respondent no. 7, who was a group D staff attached to the office of the Deputy Director of Animal Resources Development & Parishad Officer, Jhargram and as the suit being Matrimonial Suit No. 464 of 2005 filed by the private respondent no. 7 was dismissed by the learned Additional District Judge, 4<sup>th</sup> Court, Paschim Medinipur on 29<sup>th</sup> November, 2007 with cost and the private respondent no. 7 was directed to pay maintenance of Rs. 3000/- per month to the applicant herein and to his ailing unmarried daughter and as the application under section 125 of Code of the Criminal Procedure, being MR Case No. 21 of 2006, was disposed of on contest by the learned Additional Chief Judicial Magistrate, Jhargram, Paschim Medinipur with cost and as in the said proceedings, it was not disclosed that the applicant was having a second wife, appropriate order may be passed for consideration of the representation filed on 12<sup>th</sup> October, 2020 appearing at page 37 of the application.

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Mr. Sk. J. Alam, learned advocate for the private respondent no. 7, on instruction submits that it is evident from the Aadhar card and Voter card that Kalpana Jana is the wife of the applicant. The private respondent had superannuated on 31<sup>st</sup> December, 2020. On a query it is submitted that Sima Jana, the applicant herein, is not residing with the private respondent for the last twenty years.

Mr. S.N. Ray, learned advocate for the State respondent submits, if directed, the respondent authorities will consider the representation in accordance with law.

In reply, Mr. Das submits that though it is submitted on behalf of the private respondent no. 7 that Kalpana Jana is the wife of the said respondent for the last twenty years, however, in the proceedings before the Learned Additional District Judge and in the proceedings Under section 125 Code of the Criminal Procedure before the learned Additional Chief Judicial Magistrate the said fact was not disclosed.

Having heard the learned advocates for the parties, as prayed for on behalf of the applicant, the application is disposed of by directing the Deputy Director, Animal Resources Development & Parishad Officer, Jhargram, – the respondent no. 3, to dispose of the representation filed on 12<sup>th</sup> October, 2020, appearing at page 37 of the application, by passing a reasoned order to be communicated to the parties within a period of eight weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicant and the private respondent no. 7 and after verifying the records and after going through the judgements and orders passed in Matrimonial Suit No. 464 of 2005 and in M.R. Case No. 21 of 2006.

Sk.

(SOUMITRA PAL)  
CHAIRMAN

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