

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 787 of 2023

Mriganka Sekhar Giri -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. A.K. Das,
Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee,
Ld. Advocate.

05
03.12.2024

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

The applicant has prayed for a direction upon the respondent authority to disburse and release of his retirement benefits including pension, Provident Fund, Gratuity and Group Insurance. It appears that though his pension was approved and the PPO issued but due to non-submission of No Liability Certificate, his pension has not been released. A correspondence dated 26.08.2022 had directed the applicant to appear along with supporting documents in respect of monetary transaction regarding maintenance paid to his estranged wife as per direction of the Learned Judicial Magistrate, Second Court, Contai.

It appears by Memo 555 dated 26.08.2022 the Sub-Divisional Controller, Contai had asked the applicant to submit “*supporting documents in respect of your monetary transaction regarding maintenance award as per order of the Hon'ble J.M., 2nd Court, Contai (Order No.22 dated 22.02.2019) vide Case No. MISC-227 of 2016 for the period from March-2019 to August-2022*”.

From the submissions of the learned counsels, it reveals that the applicant paid Rs.3,500/- per month as maintenance to his wife in terms of an order of the Ld. Judicial Magistrate, 2nd Court, Contai till August, 2022).

Having heard the submissions of the learned counsels and considering the facts and circumstances of the case, the Tribunal is not inclined to pass any direction upon the State respondents for release of his pension and other retiral benefits. It has been admitted by the applicant's side that the applicant has failed to comply with the order of the Learned Judicial Magistrate, Contai regarding regular payment of maintenance to his estranged wife a sum of Rs.3,500/- per month since September, 2022. By failing to pay such maintenance, the applicant has violated the order of the Learned Judicial Magistrate, Contai. It is his responsibility to pay regularly the maintenance to the wife. The learned counsel for the applicant has pleaded that a direction may be given to the Pension

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Sanctioning Authority to deduct such maintenance from his pension. The Tribunal does not deem it fit and proper to pass such a direction. It is upon the applicant to arrange payment of the arrears as well as future maintenance to his wife and satisfy the respondent authorities that he has complied with the order of the Learned Judicial Magistrate, Contai.

Mr. Das, learned counsel submits that the applicant will make every effort to pay the maintenance dues to his wife and once such maintenance is paid, he will approach this Tribunal for suitable direction.

Let the matter appear under the heading **“For Orders”** on **20.03.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS