

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-521 of 2021.

Sikha Karmakar. - Versus – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	: Mr. A. Maiti, Advocate.
<u>6</u> 6.12.2021	For the State Respondents	: Mr. S. N. Ray, Advocate.
	For the Respondent Nos. 6 and 7.	: Mr. S. Sil, Mr. L. Guha, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	: Mr. B. Mitra, Departmental Representative.

Let vakalatnama filed today by Mr. S. Sil, learned advocate for the respondent nos. 6 and 7 be kept on record.

In this application, Sikha Karmakar, the applicant, has prayed for certain reliefs, the relevant portion of which is as under :-

“a. Pass an order setting aside the letter dated October 9, 2020 issued by the respondent no. 4 as in Annexure G above

b. Pass an order setting aside the letter dated December 23, 2020 issued by the respondent no. 2 as in Annexure H above

c. Pass an order directing the respondent authorities to disburse the terminal benefits of Late Raja Karmakar including Gratuity, Provident Fund Dues, Group Insurance Scheme dues, arrears of salary and Leave Encashment dues etc in favour of the applicant ”

Heard Mr. A. Maiti, learned advocate for the applicant, Mr. S. N. Ray, learned advocate for the State respondents, Mr. S. Sil, learned advocate for the respondent nos. 6 and 7 and Mr. B. Mitra, the

ORDER SHEET

Form No.

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departmental representative for the respondent no. 5.

Perused the application, particularly the memo dated 9th October, 2020 issued by the Executive Engineer, Kolkata South Health Division, Public Works Department, Government of West Bengal – the respondent no. 4, the relevant portion of which is as under:-

“.....Smt. Sikha Karmakar and Smt. Dipti Karmakar, both emerged as the wife of (Lt.) Sri. Raja Karmakar.

As per office records, Smt. Sikha Karmakar is the legal wife of Lt. Raja Karmakar. The nominations for GPF, Gratuity, GISS are in favour of Smt. Sikha Karmakar (copy enclosed).”

In our view, the said respondent no. 4 has no jurisdiction to come to such findings. The dispute, if any, is civil in nature which is to be adjudicated by the Civil Court and not by the Executive. Hence, let there be order in terms of prayer of ‘a’ of the application. Accordingly, the said memo dated 9th October, 2020 is set aside and quashed. The application is allowed to the extent as indicated. Parties are at liberty to apply before the appropriate forum for settlement of their disputes, if any and if so advised.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.