

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE No. OA 253 of 2018.

SIBANI KARMAKAR @ SHIBANI KARMAKAR-Vs- THE STATE OF W.B. & ORS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>4 19.2.2019.</p>	<p>For the Applicant : Sk. A. Jafar, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Mr. S.N. Ray, Advocates.</p> <p>For the added Respondent No. 4 : Mrs. B. Sarbojna, Advocate.</p> <p>Let reply filed by the added respondent no 4 be kept on record.</p> <p>In this application Sibani Karmakar @ Shibani Karmakar, has prayed for a direction upon the respondents, particularly on the Welfare-cum-Administrative Officer and Ex-officio Deputy Milk Commissioner, Haringhata Dairy Farm – the respondent no. 3 to give death benefits, pension and other benefits upon the death of her husband Lakshmi Ram Karmakar, who was working as Ex-field worker under Haringhata Dairy Farm. It has been stated in the application that the husband of the applicant had expired on 6th September, 2015 leaving the applicant being the widow and two daughters as evident from the legal heir certificate dated 3rd September, 2016 issued by the Haringhata</p>	

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	<p>Municipality, as evident from page 13 of the application. It has also been stated that she has come to know that one Kunjalata Karmakar has claimed to be the second wife of her deceased husband which is not permissible under the provisions of the Hindu Marriage Act, 1955.</p> <p>It is to be mentioned that pursuant to the order of the Tribunal, Kunjalata Karmakar has been added as respondent no. 4 and she has entered appearance through a learned advocate.</p> <p>It is submitted by Sk. A. Jafar, learned advocate for the applicant that as the applicant is the wife of the deceased, appropriate order may be passed.</p> <p>Mrs. B. Sarbojna, learned advocate for the respondent no. 4 relying on the reply filed submits that her client had married Lakshmi Ram Karmakar on 7th October, 2000 and out of the said wedlock, three children were born, out of which one child had expired.</p> <p>Mr. S.N. Ray, learned advocate appearing on behalf of the State respondent submits that dispute as to whether Sibani Karmakar , the applicant and Kunjlata Karmakar – the respondent no. 4, is the wife of Lakshmi Ram Karmakar cannot be adjudicated by the Tribunal.</p>	

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Skg.	<p>Moreover though the respondent no. 3 by letter dated 25th July, 2016 had requested the applicant and the added respondent to submit documents in support of their respective claims, till date no reply has been received from any of them. It is submitted on instruction that during subsistence of marriage of the applicant with the deceased, the applicant had filed an application for maintenance before the learned Sub Divisional Judicial Magistrate, Kalyani, Nadia, being Misc. Case No. 156 of 1999 under section 125 of the Criminal Procedure Code and ex parte order has been passed allowing maintenance.</p> <p>We have heard learned advocates for the parties. Since we find that the Tribunal is not the forum for resolving the dispute between the applicant and the respondent no. 4 regarding their status, no order is passed on this application.</p> <p>The application is disposed of.</p> <p>(Subesh Kumar Das) Member(A).</p>	(Soumitra Pal) Chairman.

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