

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 867 of 2018.

MRS. CHANDANA MITRA -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>2 15.2.2019.</p>	<p>For the Applicant : Mrs. K. Das, Mr. A. Chakraborty, Advocates.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p>Let affidavit of service, affirmed on 4th February, 2018, filed by the applicant, consequent to the direction contained in the order dated 21st January, 2019, be kept on record.</p> <p>It is submitted by Mrs. K. Das, learned advocate for the applicant, that as her client is the legally married wife of Swarup Kumar Mitra, an employee of the State Government , who had expired on 31st December, 2017 and as it is evident that she was nominated by her husband for having the dues, appropriate order may be passed directing the respondent to release service benefits in her favour.</p> <p>Mr. M.N. Roy, learned advocate appearing on behalf of the State respondent, submits on instruction that it appears from the service book of the applicant that Purnima Mitra, the added respondent, is the wife of</p>	

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Mrs. Chandana Mitra.

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	<p>Swarup Kumar Mitra, since deceased. Submission is that since the added respondent was having strained relations with Swarup Kumar Mitra, the added respondent had filed an application for maintenance under section 125 of the Code of Criminal Procedure before the learned Judicial Magistrate, 2nd Court, Alipore being Maintenance Case No. 549 of 1987. It further appears from records that the amount of maintenance as directed by the Court from time to time have been complied with by Swarup Kumar Mitra as the amounts were paid to the private respondent. Since Court has recognised the private respondent as legally married wife of Swarup Kumar Mitra and accordingly granted maintenance, no order may be passed.</p> <p>Having heard Mrs. Das and Mr. Roy, the learned advocates for the parties and considering the fact that the Court has accepted the fact that the private respondent is the wife of Swarup Kumar Mitra, since deceased, and had directed grant of maintenance on a petition filed under section 125 of Criminal Procedure</p>	

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Skg.	<p>Code, no order can be passed on this application. The application is dismissed.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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