

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. – OA 700 of 2019

Rekha Rani Sardar -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. A.K. Niyogi, Learned Advocate.
<u>03</u> 24.03.2021	For the State Respondent	: Mr. S.N. Ray, Learned Advocate.
	For the Private Respondent No. 5	: Ms. R. Patra, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for a direction upon the state respondents to make payment of Rs. 4,000/- from the pension of the husband of the applicant. However, the counsel for the private respondents has raised preliminary objection about the maintainability of OA as vide order dated 14.02.2017 in Misc. Case No. 166 of 2010 on the mutual consent, the husband of the applicant was directed to make payment of Rs. 4,000/- as maintenance per month to the applicant and accordingly he has already paid. However, as per the applicant, she has not been paid by her husband.

Heard the parties and perused the record. It is noted that the Learned Civil Court vide his order dated 19.01.2017 in Misc. Case No. 166 of 2010 has passed the following order :

"that the application by the petitioner praying for maintenance for herself be and the same is allowed on consent.

Petitioner do get maintenance at the rate of Rs. 4,000/- (Rs. Four thousand only) per month for the petitioner with effect from the date of passing of order.

The Opposite Party is directed to go on making the payment of

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4,000/- (Rs. Four thousand only) per month to the petitioner for every month within the 10th day of each succeeding month.

The petitioner will be at liberty to realize the amount by the process of execution in accordance with law.

Let a copy of this order be given to the petitioner free of cost at once.

Thus, this case is disposed of on compromise."

From the above, it is observed that the husband of the applicant on his consent was directed to make payment of Rs. 4,000/- per month. However, there was no such direction to the state respondents to make any payment directly to the applicant. Therefore, for the purpose of getting maintenance under 125 of CRPC, it is a pure case of maintenance in nature. Therefore, this court has no jurisdiction to entertain the instant application.

Accordingly, **OA is dismissed** for want of jurisdiction. However, the applicant would be at liberty to take appropriate steps before the appropriate forum, if so advised.

**Mrs. URMITA DATTA (SEN)
MEMBER (J)**

HS