

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1040 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman
Hon'ble Mr. B.P. Singh, Administrative Member

Srimati Godoni, wife of Sri Dudnath,
by occupation - Housewife, at present
residing at Pandabeswar Jhupri near
Railway Quarters, P.O. Pandabeswar,
P.S. Andal, District-Burdwan.

..... Applicant

-vs-

1. Union of India, service through the
General Manager, Eastern Railway,
Fairlie Place, Cal-1 ;
2. General Manager, Eastern Railway,
Fairlie Place, Calcutta-1 ;
3. Divisional Railway Manager, Eastern
Railway, Asansol ;
4. Senior Divisional Personnel Officer,
Eastern Railway, Asansol ;
5. Divisional Engineer, Eastern Railway,
Asansol ;
6. Divisional Accounts Officer, Eastern
Railway, Asansol ;
7. Permanent Way Inspector, Eastern Rail-
way, Suri, Dist. Birbhum ;
8. Sri Dudnath, working as Mate under
PWI/E.Rly, Suri.

..... Respondents

For applicant : Mr. S.K. Ghosh, counsel

For respondents : Mr. P.K. Arora, counsel

Heard on : 29.10.1998

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Order on : 30.10.1998

O R D E R

S.N. Mallick, VC

In this O.A., the petitioner claiming to be the lawful
wife of the private respondent No.8, Shri Dudnath, an employee
of the official respondent, since retired, has prayed for a

direction upon the respondent railway authorities to deduct appropriate retirement benefits of the said respondent No.8 and to disburse the same to her.

2. Mr. P.K. Arora, Ld. Counsel appearing for the official respondents has submitted that such application does not lie before this Tribunal under the provision of the A.T. Act, 1985.

3. It appears from the record that in a proceeding u/s.125 of the Criminal Procedure Code in the Court of Sub-Divisional Judicial Magistrate, Durgapur(M.P. Case No.54 of 1983) initiated by the present petitioner against her husband, the respondent No.8, a compromise was effected and the said proceeding was disposed of in terms of the compromise by an order dated 2.12.83. It further appears that the said proceeding was compromised between the parties and the husband agreed to pay maintenance to the petitioner @ 300/- per month(vide Annexure-A). The said amount of maintenance, according to the petitioner, is too insufficient to maintain her. Under the circumstances, she filed a representation before the respondent authorities through her Advocate dated 24.5.96, whereby the respondents were requested not to disburse the retiral dues to the husband of the petitioner i.e. the private respondent No.8. As the said representation has not been disposed of by the respondent authorities, the instant application has been filed.

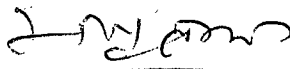
4. In the reply filed on behalf of the official respondents, it has been categorically stated that the respondent No.8 retired from the employment of the official respondents with effect from 31.8.96 and on the day following the date of his retirement, all his retiral dues were disbursed to him. There was no question of

making any payment to the wife as the respondent No.8 was alive on the date of retirement and also on the date of disbursement of the retiral dues.

5. We have heard the Id.Counsel appearing for the petitioner and for the respondents.

6. It has been rightly contended by Mr. Arora, Id.Counsel appearing for the official respondents that the instant application is wholly misconceived one and does not lie before this Tribunal. In our opinion, the petitioner has chosen a wrong forum for remedying her grievance, which should have been urged before an appropriate forum.

7. In view of the foregoing, the instant application must be dismissed and it is accordingly dismissed. No order is made as to costs.


(B.P. Singh)
Member(A)


(S.N. Mallick)
Vice-Chairman