

In The Central Administrative Tribunal
Calcutta Bench

OA 1C42 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

G. Ramakrishna Rao, son of Tammayya,
residing at T-23P, Unit N6.F, North
Settlement, P.C. Adra, Dist: Purulia
employed in the Office of the WORKS
Manager, Wagon Shop, Dist: Purulia

.... Applicant

- Versus -

- 1) Union of India, service through the General Manager, S.E. Railway, Garden Reach, Calcutta.
- 2) DIVisional Railway Manager, S.E. Railway, Adra, P.C. Adra, Dist: Purulia.
- 3) Sr. Divisional Mechanical Engineer, S.E. Rly., P.C. Adra, Dist: Purulia.
- 4) Divisional Personnel Officer, S.E. RAILWAY, P.C. Adra, Dist: PURULIA.
- 5) Works Manager, Wagon Repairs Shop, S.E. Rly., Adra, Dist: Purulia.
- 6) Guddana Padmavati, D/o Chinni Narasamma residing at Cld Bridge Road, Srikakulam town F.S. Srikakulam, P.C. & Dist. SRIkakulam.

... Respondents

For the Applicant : Mr. B.R. Das, Counsel
MR. B.P. Manna, Counsel

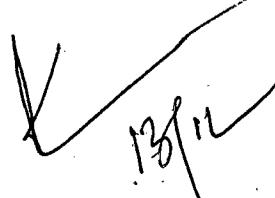
For the Respondents: Mr. P. Chatterjee, Counsel

Heard On : 13-12-2000

DATE OF ORDER : 13-12-2000

ORDER

Heard Id. Counsel of both the parties. The applicant Sri G. Ramakrishna Rao sought relief by way of direction upon the respondents to restrain the respondents from making any recovery for maintenance charge from the salary of the petitioner in pursuance of the order passed by the Criminal Court under Section 125 of Cr.P.C. The



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applicant stated that he obtained the decree of divorce against his wife on 20.2.1996. Even after the decree of divorce the respondents are taking steps for recovery of maintenance allowance as ordered by the Criminal Court in a criminal proceeding under Section 125 of CR.P.C. O. Feeling aggrieved by the said action on the part of the respondents, he approached the Tribunal for getting appropriate relief.

2. Respondents filed reply denying the allegation made by the applicant in the application. Id. Counsel for the respondents submits that the applicant also served notice upon the proforma respondent i.e. his wife. But the proforma respondent did not turn up in this regard. Id. Counsel for the respondents submits that this Tribunal has no jurisdiction to entertain the application since the applicant had approached the appropriate forum for seeking divorce against his wife and the wife also got the order from the Criminal Court in a proceeding under Section 125 of CR.P.C. in respect of recovery of maintenance charge from the salary of the applicant and that order is still in force, though the decree of divorce was obtained by the applicant against his wife. Id. Counsel Mr. Chatterjee for the respondents further submits that the order of the Criminal Court allowing the maintenance charge to the wife of the applicant would be in operative though the applicant obtained the decree of divorce against his wife.

3. However, without entering into the merit, I am prima-facie satisfied that this Tribunal has no jurisdiction to stay the recovery of maintenance of allowance from the salary of the applicant which is being made by the authority in pursuance of the direction given by the competent Court of Law and the applicant is allowed to approach the appropriate forum for getting appropriate relief. So, applicant cannot seek relief by piecemeal way before this Tribunal since he has already approached the appropriate forum in this regard. Accordingly, application is dismissed awarding no costs.

*Moiz
13/14/2002*
(D. Purkayastha
Member (J))