

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

¹⁵
sm **03.03.
2020**

W.P.A. 608 of 2020

**Manmaya Sarkar
Versus
State of West Bengal & Ors.**

Mr. Biplab Sengupta,
Ms. Punam Roy Sharma.
....for the petitioner.

Mr. Debabrata Dhar, AGP,
Ms. Paramita Sahu.
....for the State.

The petitioner claims to be the widow of a deceased police constable. The husband of the petitioner died in harness on 25th December, 1977. It is unfortunate to note that the government has maintained stoic silence over four decades in providing the retiral benefits of the deceased employee to the widow despite their being several representations to that effect. Be that as it may, though the writ petitioner has approached this Court for the retiral benefits of her deceased husband being a police constable. Several years after the death of the employee but without going into the delay aspect since relates to payment of retiral benefit I am inclined to have the matter considered on merits. At the time of death of the petitioner's husband it is correct as submitted by the advocate for the petitioner that the State Administrative Tribunal was not constituted. If the petitioner had approached the High Court prior to the setting up the State

Administrative Tribunal then obviously this Court had jurisdiction to pass an orders. After promulgation of the Administrative Tribunal Act, 1985 and the setting up the Administrative Tribunal any issue on being the subject matter of the instant writ petition has to be decided by the State Administrative Tribunal.

The writ petition is therefore dismissed by granting the petitioner leave to approach the State Administrative Tribunal. It is made clear that if the petitioner approaches the State Administrative Tribunal within a period of three weeks from date, the petitioner will be granted the benefit of the time that elapsed between filing of the instant writ petition and the date of the passing of the instant order.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties on compliance of all requisite formalities.

(ARINDAM MUKHERJEE, J.)

