

18th November,
2021
(AK)
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W.P.A 10288 of 2021

Smt. Anupama Gunri
Vs.
Union of India & Others

Mr. Mukunda Lal Sarkar
Mr. Dilip Kumar Saila
...for the petitioner.

Mr. Anuran Samanta
...for the respondent nos.1 to 6.

The grievance of the petitioner is that the private respondent, who is the husband of the petitioner, has been neglecting the petitioner and the children of the couple by abstaining from paying any maintenance to them.

Recently, the private respondent-husband has made an application to the Railway Authorities, where he is an employee, seeking to vacate the accommodation at which he is staying, where the petitioner and her children are staying as well.

It is alleged that since the husband is utterly negligent in looking after the petitioner, a portion of the retiral benefits of the husband should not be released and disbursed in favour of the petitioner.

That apart, the petitioner also gave a representation to the Railway Authorities on December 18, 2020 indicating that the husband has been ill-treating the petitioner as well as informing about other ancillary facts.

The other prayer in the writ petition is that the Railway Authorities may be directed to consider such representation and take appropriate steps.

As apprised by learned counsel for the private respondent to court, the wife-petitioner has already taken out an application under Section 125 of the Code of Criminal Procedure for maintenance against the private respondent.

Learned counsel appearing for the Railway Authorities contends that it is beyond the jurisdiction of the Railway Authorities to grant any relief on such score as alleged by the petitioner, within the scope of its authority as vested in law.

It appears from the nature of the allegations that the petitioner's grievances are directed against the private respondent, that is, her husband who has allegedly neglected her and desisting from paying maintenance.

That apart, the petitioner also alleges that she is sought to be ousted from the accommodation of the husband with the Railway Authorities, which he is enjoying by virtue of his service.

However, it is not for the Railway Authorities or for the writ court to grant any relief regarding accommodation in lieu of maintenance to the petitioner.

Since the petitioner has already approached the criminal court for maintenance and has several other legal avenues to seek accommodation being provided by her husband, there is no scope of the Railway Authorities

to decide the representation in-question, more so since there is no specific request made in the representation, which only narrates certain allegations.

The question of attachment of the retiral benefit of the husband at this juncture does not arise, since there is no order of non-compliance of the husband of any specific order of maintenance passed by any competent court till now.

In such circumstances, the relief sought in the present writ petition cannot be granted.

Accordingly, WPA 10288 of 2021 is dismissed.

It is, however, made clear that this court has not entered into the merits of the rival contentions of the petitioner and the private respondent *inter se* and it will be open to the said parties to approach the appropriate forum to ventilate mutual grievances against each other, if any, in respect of maintenance, right of residence, or otherwise.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)