

S/l – A35
26.09.2024
S. Das

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17244 of 2024

Smt. Tulu Ghorai
-versus-
The State of West Bengal & Ors.

Mr. Lutful Hoque
Ms. Taharima Khatun
...for the petitioner.

Ms. Sharmila Datta Das
...for the State respondent.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The petitioner claims to be the first wife of a former employee under the Department of Health and Family Welfare, Govt. of West Bengal. The petitioner says that her husband namely, Manmatha Ghorai married her in the year 1984 and out of the said wedlock a male child was born on 10th February, 1985 at the Rural Hospital Bhupatinagar Mughberia, Medinipur, West Bengal. The petitioner's husband died-in-harness on 8th May, 2011.

The petitioner says that the respondent no. 5 who claims to be the wife of said Manmatha Ghorai is at the highest the second wife of said Manmatha Ghorai. The marriage between Manmatha Ghorai and

the respondent no.5, according to the petitioner, is void as Manmatha was a Hindu governed by the Hindu Marriage Act, 1955 and could not have contracted the second marriage during the subsistence of first marriage.

The petitioner says that the respondent no.5 has obtained all the retiral benefits from the employer and even received the benefits of compassionate appointment. The petitioner has challenged the action on the part of the employer in giving the retiral benefits of which includes the pension and compassionate appointment to the respondent no. 5 being the second wife.

The subject matter of the writ petition is the service related benefit of a deceased Government employee.

In view of the provisions of the Administrative Tribunals Act, 1985, the Forum for ventilating such grievances is specified taking into account the provisions of Sections 15 and 28 of the said Act.

The writ petition is, therefore, dismissed as withdrawn with liberty to the petitioner to file afresh on the self-same cause if otherwise permissible in law.

The time spent between 4th July, 2024 (the date of filing of the writ petition) and today, i.e., 26th September, 2024 shall be construed as time spent in

prosecuting a litigation bona fide before a court without jurisdiction.

All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)