

MEX 314/23

Order dated :13.3.25

Today the date is fixed for ER/WA.

One non execution report has been received from Jetia PS.

Petitioner files hazira and prays for hearing of the petition for attachment of salary of the OP. On perusal of the case record it appears that the petitioner has filed two petitions for attachment of salary dt.30.7.24 and 21.5.24 respectively. The same is lying the case record.

It is submitted that the petitioner has not received any arrear of maintenance allowance from the OP for herself and her minor child as such she is praying for attachment the salary of the O.P for the recovery of arrear of maintenance amount of Rs.6,00,000/-which has fallen due on and from 7.6.18. The said petitions have been received by the Ld. Advocate for the OP without objection.

On perusal of the case record it appears that the OP appeared on this case on 27.7.23 and he failed to make any payment on repeated dates as such warrant was issued. On 30.11.23, he was brought under arrest but did not make any payment as such he was sentenced to SI for one month. Thereafter again on 29.2.24 and 29.7.24 he was sentenced to another simple imprisonment of one month respectively. Since the filing of the case the OP has not made any single payment towards the arrear of maintenance. Till date the WA has not been executed.

In the instant scenario upon perusal of the materials on the record it is clear that this O.P having sufficient means is deliberately neglecting to provide maintenance to his wife and child who is in need of money and I thereby find no other alternative but to allow the prayer of the petitioner thereby deducting a portion of salary of the O.P. On perusal of the copy of the pay slip of the OP filed by the petitioner it appears that the O.P is working as **T no.41, Group D, Non- Ministerial as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways.**

Since it is the rule of law that no future salary can be attached/ deducted and even if attachment/deduction of salary is concerned the full salary cannot be deducted/attached I hereby direct the concerned head being **DY. CMM/ ER/ Halisahar, Pin- 743145 of “ T no.41, Group D, Non- Ministerial as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways** to deduct **Rs.8000/- per month** from the salary of the **O.P Prabir Sarkar** for each month if/ when it falls due and pay the same to the petitioner that is Smt. **Bidisha Sarkar** personally or in her account being no. 36400604490 of State Bank of India, Halisahar Station Road Branch, IFSC Code SBIN0012463 until arrear maintenance dues of Rs. 6,00,000/- is realized or until further order by this court.

Hence it is,

ORDERED

that the petition dt. 30.7.24 and 21.5.24 filed by the petitioner for salary attachment of the O.P is allowed on contest.

The concerned head of the being **DY. CMM/ ER/ Halisahar, Pin- 743145 of of the “ T no.41, Group D, Non- Ministerial as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways”** to deduct **Rs.8000/- per month** from the salary of the **O.P Prabir Sarkar** for each month if/ when it falls due and pay the same to the petitioner that is Smt. **Bidisha Sarkar** personally or in her account being no. 36400604490 of State Bank of India, Halisahar Station Road Branch, IFSC Code SBIN0012463 until arrear maintenance dues of Rs. 6,00,000/- is realized or until further order by this court.

The Concerned Head, **DY. CMM/ ER/ Halisahar, Pin- 743145 of “ T no.41, Group D, Non- Ministerial as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways”**, is directed to strictly

comply the order of this court and send a report of the action taken from their part is respect of this order.

To **21.4.25** for report from the **DY. CMM/ ER/ Halisahar, Pin- 743145 of “ T no.41, Group D, Non- Ministeral as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways”**.

Let a copy of this order sheet be sent to **DY. CMM/ ER/ Halisahar, Pin- 743145 of “ T no.41, Group D, Non- Ministeral as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways”**.

Let another copy of this order be given to the petitioner free of cost for placing before the concerned Head of the **DY. CMM/ ER/ Halisahar, Pin- 743145 of “ T no.41, Group D, Non- Ministeral as Arisan Staff of Stn. KPA, under CWM/ KPA, Eastern Railways”**.

Typed and printed by me,

J.M. 3rd Court, Barrackpore.

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