

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.03 of 2023**

Smt. Gita Ghosh (Das)

..... Petitioner(s)

V E R S U S

The State of Tripura and others

..... Respondent(s)

For Petitioner(s)

: Mr. P. Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate,
Ms. S. Paul, Advocate,
Ms. A. Debbarma, Advocate.

For Respondent(s)

: Mr. D. Bhattacharya, Govt. Advocate,
Mr. Mangal Debbarma, Addl. Govt. Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

ORDER

24.02.2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned Government Advocate and Mr. Mangal Debbarma, learned Additional Government Advocate appearing for the respondents.

[2] The present petition has been filed by the petitioner under Article 226 of the Constitution of India seeking for a direction upon the respondents to count 50% of the service rendered by the petitioner w.e.f. 13.09.1978 as Anganwadi Worker till her regularization on 02.01.2008, alongwith the regular service rendered by the petitioner from 02.01.2008 to

31.07.2018 as Supervisor, ICDS for determining the qualifying service rendered by the petitioner necessary for calculation of pension and other pensionary benefits.

[3] Brief facts are as under :

The petitioner namely, Smt. Gita Ghosh Das was working under the Integrated Child Development Scheme (ICDS) as Anganwadi Helper (Central) in the State of Tripura since 13.09.1978. The petitioner was appointed to the post of Supervisor (ICDS) on promotion vide memo dated 02.01.2008 issued by the Director, Social Welfare and Social Education, Govt. of Tripura. The petitioner on attaining the age of superannuation retired on 31.07.2018 and after retirement she became entitled to full and final payment of gratuity but her past service as Anganwadi Worker w.e.f. 13.09.1978 to 02.01.2008 has not been counted and the pensionary benefits has been calculated on the basis of her regular service as Supervisor(ICDS) (Group –C Non Gazetted). Being aggrieved, the petitioner has filed this petition.

[4] The petitioner has prayed for the following reliefs:

“(i) Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents to count 50% of the service rendered by the petitioner w.e.f. 13.09.1978 till here regularization on 02.01.2008 along with the regular service rendered by the petitioner from 02.01.2008 to 31.07.2018 for determining the qualifying service years rendered by the petitioner necessary for calculation of pension and other pensionary benefits;

(ii) Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents to recalculate the amount of monthly pension which became admissible to the petitioner taking into consideration 50% of service rendered by the petitioner as Anganwadi Worker w.e.f. 13.09.1978 to 02.01.2008 with her regular service as Supervisor w.e.f. 02.01.2008 to 31.07.2018 and pay the arrear amount of pension with interest @9% per annum and thereafter to continue the current pension;

(iii) Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to pay interest @9% on delayed payment of pension and other pensionary benefits;

(iv) Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents to pay the amount of gratuity and pensionary benefit which became admissible to the petitioner on her retirement from service after adding 50% of service rendered by the petitioner as Anganwadi worker with her regular service in the post of Supervisor for determining the qualifying service of the petitioner and pay the balance amount after deducting the payment already made with interest @9% per annum on the balance amount with effect from the date it became payable till such payment is made. ;

(v) Make the rule absolute;

(vi) Call for records;

(vii) Pass any further order/orders as this Hon'ble High Court considers fit and proper."

[5] Mr. P. Roy Barman, learned senior counsel appearing for the petitioner submits that the petitioner has retired from her service on 31.07.2018 and while providing pension alongwith pensionary benefits, her past service as Anganwadi Worker w.e.f. 13.09.1978 to 02.01.2008 has not been counted and the pensionary benefits has been calculated on the basis of her regular service as Supervisor (ICDS) and he prays before this Court to pass necessary direction in regard to counting of 50% of past service of the petitioner served as Anganwadi Worker.

[6] On the other hand, Mr. Mangal Debbarma, learned Additional Government Advocate, contends that 50% of past services of the petitioner as Anganwadi Worker has been counted as per the order dated 19.01.2023 of the Director, Social Welfare & Social Education, Government of Tripura.

[7] After hearing learned counsel for the respective parties, this Court finds that during the pendency of the writ petition the respondent No. 4 (Director of Social Welfare & Social Education, Government of Tripura) has addressed a letter to the Child Development Project Officer, Duburnagar ICDS Project, Gandacherra, Dhalai, Tripura vide letter dated 19.01.2023 to consider the case of the petitioner and directed the said respondent for recalculating pension and pensionary benefits of the petitioner. A copy of the letter dated 19.01.2023 submitted by Mr. Mangal Debbarma, learned Addl. Govt. Advocate, is taken on record.

[8] Accordingly, the writ petition is disposed of directing the respondents to take a decision in the light of the letter dated 19.01.2023 within a period of 2(two) months from the date of receipt of the copy of this order.

[9] With the above directions, the petition is disposed of.
Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)