

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.16 of 2023

Sri Gopal Chandra Das

.....Petitioners

V_E_R_S_U_S

Tripura Handloom and Handicrafts Development Corporation Ltd.& 3 Others.

.....Respondents

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Nath, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

02/05/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India directing the respondents to make full and final payment of gratuity with interest @9% per annum to the petitioners w.e.f. the date on which gratuity became payable till date of payment. Further, directing the respondents to give leave encashment benefit to the petitioner with interest @9% per annum in terms of the memo dated 01.08.2022 issued by the Managing Director, THHDC Ltd. w.e.f. one month after retirement till payment is made.

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 order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to make the full and final payment of gratuity with interest @9% per annum to the petitioner w.e.f. the date on which gratuity became payable till date of payment.

ii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to give leave encashment benefit to the petitioner with interest @9% per annum in terms of the memo dated 01.08.2022 issued by the Managing Director, THHDC Ltd. w.e.f. one month after retirement till payment is made.

iii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to count 50% of the service rendered by the petitioner w.e.f. 01.05.1982 (as DRW) till his regularization on 08.08.1983 along with the regular service rendered by the petitioner from 08.08.1983 to 31.05.2022 for determining the qualifying service rendered by the petitioner necessary for calculation of gratuity.

iv. Make the rules absolute.

v. Call for records.”

The present petition has been filed by the petitioner seeking necessary order/direction from this Court upon the respondents to cause full and final payment of gratuity to the petitioner after adjusting the payment already made. On 01.05.1982 the petitioner joined service under the respondents and the petitioner retired from service on attaining the age of superannuation w.e.f. 31.05.2022. The total period of service of the petitioner is 40 years and Rs.72,600/- was the last basic pay of the petitioner & DA was Rs.2178/-.

The petitioner became entitled to Rs.17,25,876/- as full and final payment of gratuity, but till today it is not paid. The petitioner has 300 days unutilized earned leave in his credit. The petitioner is entitled to leave encashment benefit. The said benefit though sanctioned has not yet been released.

Hence, the present petition has been filed by the petitioner before this Court for redress.

Having observed thus, without expressing any opinion on merits, the present writ petition stands disposed of directing the petitioner to represent

his claim before the concerned respondent along with all material documents regarding his service entitlement and interest in addition to any further representation already made and on receipt of the same, the respondents are directed to consider the case of the petitioner following the service record and shall pass a speaking order in accordance with law within a period of two months from the date of receipt of the copy of this order.

Accordingly, the present petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh



सत्यमेव जयते