

**HIGH COURT OF TRIPURA**

**\_A\_G\_A\_R\_T\_A\_L\_A\_**

**WP(C) No.21 of 2022**

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For Petitioner(s) : Mr. A. Bhowmik, Advocate.  
For Respondent(s) : Mr. D. Bhattacharjee, G.A.  
Mr. B. Majumder, Deputy SGI.  
Mr. S. Saha, Advocate.

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**HON'BLE THE CHIEF JUSTICE (ACTING)**

**\_O\_R\_D\_E\_R\_**

**04/04/2023**

Heard A. Bhowmik, learned counsel appearing for the petitioners. Also heard Mr. D. Bhattacharjee, learned G.A. and Mr. B. Majumder, learned Deputy SGI assisted by Mr. S. Saha, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the service of Lt. Nalini Mohan Debnath as Supervisor (ICDS) as regular service w.e.f. 01.04.1991 with consequential benefit of pension and also to sanction pension in favour of the petitioners.

The petitioners have prayed for the following reliefs:

- i. Issue notice upon the respondents.
- ii. Call for the records.
- iii. Issue rule calling upon the respondents to show cause as to why the service of Lt. Nalini Mohan Debnath as Supervisor (ICDS) on Ad-hoc basis shall not be treated as regular w.e.f. the date of his initial appointment i.e. 01.04.1991.

**AND**

Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted all consequential financial benefits including family pension upon treating the service of Lt. Nalini Mohan Debnath as regular service w.e.f. 01.04.1991.

**AND**

Issue rule calling upon the respondents to show cause as to why the amount of Rs.03,04,080/- sanctioned as Death Cum Retirement Gratuity and amount of Rs.01,67,962/- sanctioned as Leave Encashment vide

Annexure-5 & 6 shall not be released along with interest @18% per annum w.e.f. 27.09.2012 till date of actual payment.

iv. And after hearing the parties be pleased to make the rule absolute.”

The petitioners highlight that Lt. Nalini Mohan Debnath, the husband of the petitioner No.1 and the father of the petitioner Nos.2 and 3 was appointed as Supervisor, ICDS on 01.04.1991 on Ad-hoc basis on pay of Rs.1300/- per month in the scale of Rs.1300-3220/- plus admissible allowances for a period of 12 months vide memorandum dated 24<sup>th</sup> March, 1991. Pursuant to the memorandum dated 24<sup>th</sup> March, 1991 Lt. Nalini Mohan Debnath joined in service and the joining of Lt. Nalini Mohan Debnath was accepted w.e.f. 01.04.1991. While Nalini Mohan Debnath was serving as Supervisor, ICDS on Ad-hoc basis, he expired on 12.02.2012 while in service.

Upon expiry of Nalini Mohan Debnath vide memorandum dated 27.09.2012, the respondent department sanctioned Death Cum Retirement Gratuity of Rs.03,04,080/- in favour of the petitioner No.1. Vide the memorandum dated 27.09.2012 it was proposed that provisionally death cum retirement gratuity of Rs.02,28,000/- will be released in favour of the petitioner No.1 i.e. 3/4<sup>th</sup> of Rs.03,04,080/-. But till date the said sanctioned death cum retirement gratuity upon demise of Lt. Nalini Mohan Debnath has not been released by the respondents.

Another person, namely, Sri Nipendra Nath who was also appointed on Ad-hoc basis in the year 1991 and had already expired, was also given the benefit of regularization from the date of his initial appointment. Said Nipendra Nath had already expired by the time decision contained in the memorandum dated 02.06.2017 was taken. In spite of such demise, the said Nipendra Nath was given the benefit of regularization in service from the date of initial appointment. The petitioners had sent legal notice on 30.03.2021 through their lawyer praying for release of the aforesaid benefits but in spite of such legal notice, till date the aforesaid benefits have not been released in favour of the petitioners.

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

In view of above, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider the case of the petitioners more particularly, the legal notice dated 30.03.2021 in accordance with law within a period of three months from the date of receipt of the copy of this order.

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

*A. Ghosh*

**CHIEF JUSTICE (ACTING)**



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