

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.144 of 2022

Smt. Rita Biswas

---Petitioner

Versus

The State of Tripura and 3 others.

---Respondents

For Petitioner(s)	:	Mr. D. C. Roy, Advocate
For respondent(s)	:	Mr. N. Majumder, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

06/01/2023

Heard Mr. D. C. Roy, learned counsel appearing for the petitioner. Also heard Mr. N. Majumder, learned counsel appearing for the respondent-TSECL.

Mr. Majumder has sought for an adjournment.

Considering the urgency, I have taken up this matter for disposal as it is listed today in hearing column.

By way of filing the instant writ petition, the petitioner has prayed for compassionate appointment due to the death of her husband. The petitioner has stated that her husband, late Prasanta Biswas was an employee of TSECL and was working as Management Trainee (Electrical)–B. Suddenly, he died on 22.10.2019 leaving the petitioner and her minor two daughters in an abnormally helpless and dire state of affairs. There was no other means for their livelihood except the income

of her deceased husband. The petitioner has prayed for compassionate appointment under the Die-in-Harness Scheme applicable to the respondents-Corporation.

As I noted earlier that the husband of the petitioner was an employee of the TSECL. Mr. Majumder has submitted that the husband of the petitioner was not an employee of TSECL, but, from his appointment letter, it is clear that the husband of the petitioner was regular employee of the TSECL. The Die-in-Harness scheme framed by the Government of Tripura is applicable to the employees of the TSECL. The petitioner submitted representation for compassionate appointment under the Die-in-Harness Scheme on 29.06.2020, but, it was rejected.

I have perused the letter of non-consideration of the representation of the petitioner. In the said communication dated 07.01.2021, the authority of the TSECL has stated that the petitioner "*is not eligible*" for Government job as per Memorandum, dated 01.07.2005, issued by the Govt. of Tripura in the General Administration(P&T) Department.

A careful perusal of this regret letter dated 07.01.2021 makes it crystal clear that the Die-in-Harness Scheme framed by Government of Tripura in the General Administration (P&T) Department is applicable to the TSECL also. However, the petitioner was not found eligible for Government job. No reason was assigned as to why the petitioner was not found eligible for Government job in terms of the Die-in-Harness Scheme when the Scheme was well applicable to the TSECL also. I find no reason to reject or regret the claim of the petitioner for appointment on

compassionate ground. It is clearly stated that the petitioner was a graduate.

As I said earlier, from the letter of appointment dated 05.06.2014, issued by the General Manager (Finance) and Company Secretary, TSECL, Agartala, it is clear that the husband of the petitioner was appointed on regular basis and his service was continued till his death without any blemish.

Mr. Majumder, learned counsel for the respondents-TSECL has drawn my attention to Memorandum dated 01.07.2005 on the subject of providing benefits of Die-in-Harness Scheme to the employees of the Department of Power, now re-named as Tripura State Electricity Corporation Limited (TSECL) to justify that Die-in-Harness Scheme framed by the Government of Tripura will not be applicable in favour of the employees of TSECL.

Mr. Majumder, learned counsel has also placed reliance upon the decision of this Court, titled as *The State of Tripura Vs. Smt. Shiuli Dey Choudhury*, passed in case No.WA No.3 of 2019 disposed of vide judgment and order dated 25.05.2019.

I have perused the said judgment. The facts of the case in WA No. 03 of 2019 is entirely different from the facts of the present case. In the case of *Smt. Shiuli Dey Choudhury (supra)* this Court was dealing with a claim of compassionate appointment due to the death of an employee, who died in the year 2003, when the TSECL was not at all established. Moreover, the husband of Smt. Dey Choudhury was a DRW/Contingent worker. The scheme for regularisation of DRW/Contingent worker came

into force under 2009 notification. The benefit of Die-in-Harness Scheme was not extended to the Daily Rated Workers/Contingent Workers prior to the date of that notification.

In view of this, the Court in *Smt. Dey Choudhury's case (Supra)* held that as the scheme was not applicable to husband of Smt. Dey Choudhury as he died in the year 2003, prior to the introduction of the scheme, she was not eligible to claim for compassionate appointment.

But, here the fact is that the husband of the petitioner was appointed in the year 2014 after the establishment of the TSECL in the year 2014 and he was continued with regular pay scale and was treated as regular employee and he died in the year 2019 while in service under the TSECL.

In the above context, the decision of this court in WA No.3 of 2019 is not applicable to the facts of the present case.

In the light of above discussion, I direct the respondents-TSECL to appoint the petitioner, Smt. Rita Biswas, the wife of deceased employee, Prasanta Biswas in a suitable post commensurate to her qualification within a period of 3(three) months from today.

With the aforesaid observations and directions, the instant writ petition stands allowed and thus disposed.

JUDGE