

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.110 of 2023**

For Petitioner(s)	:	Mr. S. Datta, Adv. Ms. M. Majumder, Adv.
For Respondent(s)	:	Mr. D. Sharma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

24.02.2023

Heard Ms. M. Majumder, learned counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. G.A. appearing for the respondents.

2. The case of the petitioner is that the petitioners father was a Night Guard under the Revenue Department, Government of Tripura died in harness on 16.02.2013 while he was in extension of service. The petitioner prayed on 04.03.2013 to the respondents seeking job in consonance with his qualification while two other similarly situated persons were extended the benefit of die-in-harness scheme. But the prayer of the petitioner was rejected on the ground that the benefit of the die-in-harness scheme cannot be extended to the family of the deceased Government servant who dies on extension of service beyond the age of superannuation vide order dated 22.06.2013.

3. Being aggrieved on such rejected order, the petitioner has preferred a writ petition before this Hon'ble High Court vide WP(C)No.407 of 2013 challenging the rejected letter dated 22.06.2013 and after hearing both

sides the Hon'ble High Court vide judgment and order dated 22.04.2014 disposed of the writ petition observing that it cannot be denied that for death of the petitioners father his entire family has been plunged into serious financial hardship. In view of this, it is found that the petitioner is suitable in accordance with rules and the case of the petitioner may be expeditiously considered and for that purpose, the petitioner is at liberty to make appropriate representation to the Secretary, Government of Tripura, Revenue Department. Accordingly, the petitioner has made a prayer to the Secretary, Government of Tripura, Revenue Department for consideration. But the said Secretary remained in the earlier stand and rejected the prayer again on the same ground.

4. Thereafter, the petitioner has filed another writ petition being WP(C)No.351 of 2021 for issuance of direction upon the respondents to consider the prayer for providing job under the said die-in-harness scheme. Accordingly, after hearing both the parties rejecting the arguments of the respondents side that the benefit of die-in-harness scheme cannot be extended to the family of the deceased government servant who was on extension of service beyond the age of superannuation and by passing the judgment and order directing the respondents to consider the petitioners case keeping in mind that other similarly situated persons were given benefit under the die-in-harness scheme. Accordingly, the petitioner submitted the prayer to the respondents for consideration in terms of the judgment and

order dated 02.07.2021 but the respondents have rejected his prayer in standing on his previous decision.

5. On 03.01.2022, being passed the order dated 01.01.2022 by the Principal Secretary, Revenue Department, the learned counsel for the petitioner has submitted before the Hon'ble High Court that he does not want to proceed with the present contempt application and sought liberty for filing a fresh proceeding. The Hon'ble High Court allowed the prayer of the learned counsel and disposed of the contempt petition vide judgment and order dated 03.01.2022. According to the petitioner, due to some personal issues of the petitioner the contempt case was unable to file within the time. Accordingly, the present writ petition is filed.

6. According to this court, how the second writ petition is maintainable. According to this court if the petitioner is aggrieved by the non-compliance of the order, contempt proceedings is the only remedy. So if someone filed contempt and voluntarily withdraw the contempt someone cannot file another writ petition.

Having observed thus, this court does not find any merit in the present writ petition and accordingly, the same stands dismissed.

CHIEF JUSTICE (ACTING)