

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.134 OF 2023**

Sri Binoy Debnath
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. K. Roy, Advocate.
For the Respondent(s) : Mr. K. De, Addl. G.A.

10.03.2023

Order

The fact of the case, in brief, is that the Director of Health Services issued a Memorandum dated 18.06.1988, thereby appointing the father of the petitioner, namely, Sri Sankar Debnath(now deceased) as General Duty Attendant, under the Directorate of Health Services, Government of Tripura, and thereafter, he had joined to the said post and was continuing his service with utmost honesty, dedication and without any blemish. On 16.02.2005, the father of the petitioner died while in service. Thereafter, Smt. Sita Debnath(Banik), wife of the deceased made a prayer for employment under the 'Die-in-Harness' scheme, before the Director of Health Services, Government of Tripura. However, the said prayer was rejected vide a memorandum dated

10.11.2005, *inter alia* noting that the School Certificate submitted by Smt. Sita Debnath(Banik), the wife of the deceased is not genuine. After a prolonged efflux of time, when the petitioner attained majority, he applied on the ground that it was once rejected. Situated thus, on 08.09.2022, the petitioner served a legal notice, through his engaged counsel, upon the Director of Health Services, Government of Tripura, *inter alia* requesting to consider the matter of the petitioner, but the same evoked no response.

Hence the petitioner filed this instant writ petition praying for the following reliefs:-

"i. Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing them, to transmit the records, relevant to the subject matter of this writ petition for rendering substantive and conscionable justice to the petitioner;

ii. Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued for mandating/directing them, to forthwith accord compassionate appointment in favour of the petitioner, under the Die-in-harness scheme;

iii. Call for the records appertaining to this petition.

iv. After hearing the parties, be pleased to make the Rule Absolute in terms of (i) & (ii) above;

v. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

Heard Mr. K. Roy, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl. G.A. appearing for the respondents.

Mr. Roy, learned counsel appearing for the petitioner submits that the father of the petitioner expired, while he was in service and therefore, the family members of the deceased government servant were entitled to a job on compassionate grounds. The petitioner has now attained majority and now is eligible to get a job under the '*Die-in-Harness*' Scheme.

Heard both sides and perused the evidence on record. The impugned memorandum which is under challenge relates to the year 2005 and since the petitioner has taken such a prolonged time, the object of considering the request of the claimant on the ground of *Die-in-Harness/compassionate appointment* cannot be considered. Hence on the ground of laches, this instant writ petition is dismissed.

With the above observation and direction, this instant writ petition stands dismissed. As a sequel, stay order, if any, stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)