

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.136 of 2023

For Petitioner(s) : Mr. A. Bhowmik, Advocate.
For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

17/03/2023

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioners. Also heard Mr. M. Debbarma, learned Addl. G.A. 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 count the period of service rendered by the petitioners as Part Time Contract Teachers under the respondent towards qualifying service for the purpose of pension, gratuity, retiral benefit etc.

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 period of service rendered by the petitioners as part time contract teacher shall not be counted towards the qualifying service of the petitioners for the purpose of pension, gratuity, retiral benefit, etc. as per Rule-13 of the CCS (Pension Rule), 1972.
- iv. And after hearing the parties, be pleased to make the rule absolute.”

The case of the petitioners is that the petitioners have filed this petition seeking a writ of mandamus directing the respondents to count the period of service rendered by the petitioners as Part Time Contract Teacher under the respondent towards qualifying service for the purpose of pension, gratuity, retiral benefit, etc. The petitioners further raise grievance regarding violation of rights of the petitioners under Rule-13 of the CCS (Pension Rule) 1972 to have their past service rendered as Part Time Contract Teachers counted as qualifying service.

They have also prayed to consider the representation filed on 16.11.2022 before the respondent. The petitioner No.1 was appointed as Part Time Contract Teacher on 16.01.1995, the petitioner No.2 was appointed on 18.11.1995 and the petitioner No.3 was appointed on 04.01.1995. All the petitioners were appointed as Part Time Contract Teacher under the Higher Education Department, Govt. of Tripura for discharging teaching function in Government General Degree Colleges. All the petitioners were appointed pursuant to an advertisement and interview following which the petitioners were recommended to be appointed as Part Time Contract Teachers.

Thereafter, vide memorandum dated 26th June, 2010, the petitioners were appointed as Post Graduate Teacher and posted to different colleges. The grievance of the petitioners is that the period of service rendered as Part Time Contract Teachers has not been counted towards the qualifying service rendered by the petitioners for the purpose of pension, gratuity, retiral benefits etc. Situated thus, the petitioners submitted a representation to the Principal Secretary, Higher Education Department and Director, Department of Higher Education on 16.1.2022 but, till date the said representation submitted by the petitioners has not been considered and therefore, the petitioners have no other alternative remedy but to approach this Court by way of filing this petition.

In view of above, without expressing any opinion on the merits, the present writ petition stands disposed of directing the respondents to consider the representation dated 16.11.2022 filed by the petitioners in accordance with law within a period of three months from the date of receipt of the copy of this order.

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

CHIEF JUSTICE (ACTING)