

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.141 of 2023

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. K. Nath, 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. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioner. 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 sanctioning and releasing family pension in favour of Smt. Jaya Rakshit w.e.f. 02.04.2022, on the death of N. K. Krishna Rakshit and also quashing and cancelling the letter dated 10.12.2022 issued by the Lieutenant Colonel, Senior Record officer for Officer-in-Charge records, Topkhana Abhilekh, Artillery Records, pin-908802, C/o-56 APO.

The petitioner has prayed for the following reliefs:

- i. Issue rule calling upon the respondents to show cause as to why writ in the nature of mandamus and/or direction of like nature shall not be issued commanding the respondents to sanction family pension in favour of the petitioner w.e.f. from 02.04.2022 on the death of N. K. Krishna Rakshit.
- ii. Issue rule calling upon the respondents to show cause as to why writ in the nature of mandamus and/or any other order shall not be issued whereby quashing the letter dated, 10.12.2022, issued by the Lieutenant Colonel, Senior Record Officer for Officer-in-Charge Records.”

The case of the petitioner is that the petitioner is an unfortunate widow who is deprived of family pension after the death of her husband Lt. N.K. Krishna Rakshit, on the plea that in the official record of her husband the name of wife is Shilpi Rakshit, with date of birth 24.06.1967. The petitioner had no knowledge regarding the contents of the official record of her husband.

In the official record joint photograph is of her and her husband N. K. Krishna Rakshit. In the Aadhar card and PAN card the name of the petitioner is written as Jaya Rakshit, and the photograph therein is of the petitioner and is identical with the photograph in the official record of her husband.

Again in the PAN card the date of birth of the petitioner is written as 10.10.1969, which is her actual date of birth and while the date of birth in the official record is written as 24.06.1967, as a result of human error. The enquiry report of the Superintendent of Police, West Tripura, Agartala, specifically stated that Smt. Jaya Rakshit and Smti Shilpi Rakshit is the same person with same identity and is the wife of Krishna Rakshit and their marriage took place on 24.06.1991. The petitioner made several correspondences to the concerned authorities but all those went in vain. Hence, the present petition has been filed by the petitioner seeking redress to get family pension.

In view of above, without expressing any opinion on merits, the present petition stands disposed of directing the respondents to consider the representation made by the petitioner dated 12.02.2023 which is pending, within a period of three months from the date of receipt of the copy of this order. The respondents are further directed that before deciding the same they shall give an opportunity of personal hearing to the petitioner so that the petitioner can place all the relevant documents in support of her case. While deciding the same, the respondent shall also take cognizance of the enquiry report of the Superintendent of Police submitted to the Directorate of Sainik Welfare, Tripura dated 21.07.2022. The entire exercise shall be completed 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 application(s) pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)