

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 197 of 2022

Sri Dibyendu Chakraborty

---Petitioner(s)

Versus

The State of Tripura and 3 Ors.

---Respondent(s)

For Appellant(s)	: Mr. P Roy Barman, Sr. Adv. Ms N. Ghosh, Adv.
For Respondent(s)	: Ms. A. Banik, Adv.
Date of hearing and date of judgment and order	: 16.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India.

[2] It is the case of the petitioner that the petitioner has sought for necessary order/direction upon the respondents from this court to release the retirement benefits of the petitioner such as gratuity and leave encashment benefit with interests. The petitioner has sought for necessary order/direction upon the respondents to release the salary of the petitioner for the period of July 2021 to December, 2021 along with the enhancement of periodical increment which was due as on 01.07.2021. The petitioner has also sought for necessary order/direction upon the respondents from this court directing the respondents to release the arrears of pay from October, 2018 to May, 2020 as per revision of pay vide TCS (1st Amendment) Rules, 2018, which has not been released in favour of the petitioner.

[3] Hence, by this means of this writ petition, the petitioner herein has approached this court seeking relief *inter-alia*.

- (i) Issue Rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to release the retirement benefits of the petitioner such as gratuity and leave encashment benefit with interests.
- (ii) Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to release the salary of the petitioner for the period of July 2021 to December 2021 along with enhancement of periodical increment which was due as on 01.07.2021.

- (iii) Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to release the arrears of pay from October, 2018 to May, 2020 as per revision of pay vide TCS(1st Amendment) Rules, 2018, which has not been released in favour of the petitioner.

[4] Heard Mr. P Roy Barman, learned senior counsel appearing for the petitioner as well as Ms. A. Banik, learned counsel appearing for the respondents.

[5] In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in accordance with law within a period of two months from the date of receipt of copy of this order. The petitioner is at liberty to provide all the relevant materials to the respondents, if so advised.

[6] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

