

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.194/2023

Shri Rajat Kanti Chakraborty

.....Petitioner(s).

V E R S U S

The State of Tripura and others

.....Respondent(s).

For Petitioner(s) : Mr. B.N. Majumder, Sr. Advocate,
Mr. S.C. Sen, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Dy. S.G.I.,
Mr. T.K. Choudhury, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

04/04/2023

Heard Mr. B.N. Majumder, learned senior counsel assisted by Mr. S.C. Sen, learned counsel appearing for the petitioner. Also heard Mr. T.K. Choudhury, learned counsel appearing for the respondents No.1 and 2 and Mr. Bidyut Majumder, learned Deputy S.G.I. appearing for the respondent No.3, Union of India.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to restore the full pension of the petitioner on completion of 15 years from the date of his retirement.

3. Petitioner has prayed for the following reliefs:

"(i) Issue RULE NISI;

(ii) Issue RULE NISI calling upon the State Respondents or each one of them to show cause as to why a Writ of Mandamus shall not be issued directing/ commanding the State Respondents to immediately restore the pension of the petitioner in terms of the Judgment and Order dated 04.06.2021 passed in W.A(C) 56 of 2020 affirmed by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No.2072 of 2022, dated 26.02.2022 (Annexure-8 supra);

A N D

(iii) Issue RULE NISI calling upon the State Respondents or each one of them to show cause as to why a Writ of Mandamus shall not be issued directing/ commanding the State Respondents to treat the petitioner equally with the similarly situated employee namely Shri Gouranga Dhar, (Appellant in Writ Appeal No.56 of 2020 extending restoration of full pension on completion of 15 years of retirement;

(iv) Issue Rule calling upon the Respondents or each one of them as to why a Writ of Mandamus shall not be issued treating Petitioner's status as Pensioner under the Government of Tripura be restored after completion of 15 years period of retirement from his service;

A N D

(v) As to why such other order orders shall not be passed so as to give full relief to the Petitioner and upon causes shown to make the Rule absolute.”

4. It is agreed by both sides that that the matter is covered by an order of Hon'ble Supreme Court dated 25.02.2022 passed in the case of *The State of Tripura & Ors. vrs. Gouranga Dhar* in *SLP(C) No.2072/2022*.

5. In view of the same, the prayers sought for in the writ petition are allowed. The respondents are directed to restore the full pension of the petitioner on completion of 15 years from the date of his retirement. The arrears thereof shall be paid within a period of three months from the date of receipt of the copy of this order.

6. With the above observation and direction, the writ petition is allowed and disposed of.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak