

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.297 OF 2022**

Sri Shyamal Kanti Acharjee

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent(s)**

For the Petitioner(s) : Mrs. S. Deb(Gupta), Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. D. Bhattacharjee, G.A.
Mr. Saumyadeep Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 27.03.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

The brief facts of the case herein are that the petitioner was a sub-ordinate judiciary employee and had gone on superannuation from the post of Head-Clerk on 30.09.2020. Respondent No.6 issued a sanction order in respect of provisional pension as well as 3/4th of the gratuity amounting to Rs.5,13,318/- out of the total gratuity of Rs.6,84,425/-. On 22.06.2021, respondent No.4 i.e Treasury Officer sent a letter to respondent No.8 informing to recover the provisional pension of

Rs.1,67,262/-. Respondent No.4 also made a remark that provisional DCRG of Rs.5,13,318/- was already paid to be petitioner by the concerned DDO and also informed to recover Rs.2,54,068/- as excess payment of DCRG. Accordingly, respondent No.9, recovered the said amount twice from the account of the petitioner. According to the petitioner, respondent No.9 whimsically on its own whims recovered the said amount of Rs.2,54,068/- as provisional pension from the account of the petitioner despite knowledge of the status quo order of this Court.

2. Being aggrieved thereby, the petitioner has filed this instant appeal praying for the following reliefs:-

- " i) Admit the petition of the petitioners.*
- ii) Call for records from the custody of the respondents having relevance to the subject matter;*
- iii) As to why writ in the nature of mandamus directing the respondents to refund the amount of gratuity amounting to RS.2,54,068/- which was recovered from the account of the petitioner.*
- iv) As to why writ in the nature of mandamus directing the respondent Nos.4 & 9 to refund the amounting to Rs.2,54,068/- which was recovered from the account of the petitioner as provisional pension.*
- v) As to why writ in the nature of certiorari quashing the letter dated 22.06.2021 issued by respondent No.4 in which the respondent No.9 was directed to recover excess payment of DCRG amounting to Rs.2,54,068 from petitioner's account."*

3. Heard Ms. S. Deb(Gupta), learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the Union respondent as well as Mr.

D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the State-respondents and perused the evidence on record. The petitioner herein is given liberty to represent the matter before the respondent-Treasury Officer seeking reconsideration of his impugned order along with certain relevant documents whatever the petitioner feels he can rely upon. On receipt of such representation, the respondent-Treasury Officer shall decide the same within a period of 2(two) months from the date of receipt of the copy of this order.

4. With the above observation and direction, this instant writ petition stands disposed of. Stay if any is vacated, pending application(s), if any, stands closed.

CHIEF JUSTICE (ACTING)

