

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 275 of 2023

Sri Bikram Suklabaidya
S/o late Biju Suklabaidya (father)
Late Kabita Das (Suklabaidya) (mother)
Resident of – Lob Nath Lane, Dharmangar, North Tripura, PIN: 799253

---Petitioner

Versus

1. The State of Tripura
Represented by the Principal Secretary to the Government of Tripura,
Department of Health and Family Welfare, Government of Tripura, New Capital
Complex, PO: Kunjaban, Agartala, West Tripura
2. The State of Tripura,
Represented by the Principal Secretary to the Government of Tripura, Department
of Finance, Government of Tripura, New Capital Complex, PO: Kunjaban, Agartala,
West Tripura
3. The Director, Directorate of Health Service, Government of Tripura, Agartala, West
Tripura
4. Medical Superintendent, District Hospital, North Tripura, Dharmangar.

----Respondent

For Petitioner(s)	: Ms. R. Purkayastha, Adv.
For Respondent(s)	: Mr. D. Sarma, Addl. GA.
Date of hearing and date of judgment and order	: 03.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is an application under Article 226 of the Constitution of India for invoking the writ jurisdiction of this Hon'ble Court by issuing the Writ of Mandamus directing the respondents to provide the petitioner, Sri Bikram Suklabaidya, a suitable job under "Die-in-harness" scheme as per his academic qualification due to the sudden death of his mother, Kabita Das Suklabaidya, while in service as a Group-D employee (ex-General Duty Attendant) under the control of the respondents and to disburse all the unpaid death benefits of his deceased mother (including leave salary, provident fund, payment under Group Insurance scheme, Family Pension w.e.f. 01.06.2021 till payment) to the petitioner.

[2] It is the case of the petitioner that under Memo dated 27.07.2012 Kabita Das (Suklabaidya), mother of the petitioner had been appointed on compassionate basis due to the untimely death of her husband i.e. the father of the petitioner Late Biju Suklabaidya, to the post of General Duty Attendant (Group-D). On 27.11.2020 A.D most unfortunately the mother of the petitioner had expired while in service. At the time of her death, said Kabita Das (Suklabaidya) left behind the petitioner as only survivor (son). At the time of death of his mother, he was aged about 19 years and had already passed Class VIII examination in the year 2015 and as such at the time of death of this mother, he was eligible for getting a job under die-in-harness scheme. As of now he is approximately 21 years old i.e. he fulfils the requisite qualification regarding age for getting a government job. Immediately, after the death of his mother, the petitioner had submitted an application along with the prescribed format before the respondent No.4 on 03.05.2021 for his appointment on compassionate ground but since he had got no response from all respondent in respect of his appointment under die-in-harness scheme as well as payments of all the death benefits of his mother was also not made, thereof again on 11.04.2023, the petitioner had submitted another representation before the respondent No.4 for his compassionate appointment and payment of all the death benefits of his deceased mother (including leave salary, Provident fund, Payment under Group insurance scheme, Family Pension w.e.f. 01.06.2021) but without any result.

[3] Being aggrieved and finding no other alternative, the petitioner filed this writ petition before the Hon'ble High Court of Tripura seeking the following reliefs:

- (i) Admit this petition
- (ii) Issue notice upon the respondents
- (iii) Call for the records and
- (iv) After hearing the parties would be pleased enough to direct the respondents to provide a suitable job to the petitioner immediately as per his qualification under the die-in-harness scheme due to the sudden death of his mother Kabita Das Suklabaidya while in service as a Group-D employee (ex-General Duty Attendant) under the control of the respondents and further direct to disburse all the unpaid

death benefits of his deceased mother (including leave salary, Provident Fund, payment under Group Insurance scheme, Family Pension w.e.f 01.06.2021 till payment to the petitioner.

[4] Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner as well as Mr. D. Sarma, learned counsel appearing for the respondents.

[5] It is evident from the record that immediately after the death of mother of the petitioner, the petitioner had submitted an application along with the prescribed format before the respondent No.4 on 03.05.2021 for his appointment on compassionate ground. But since he had got no response from all respondent in respect of his appointment under die-in-harness scheme as well as payments of all the death benefits of his mother was also not made, thereof again on 11.04.2023, the petitioner had submitted another representation before the respondent No.4 for his compassionate appointment and payment of all the death benefits of his deceased mother but without any result.

[6] Heard both sides and perused the evidence on record. This present writ petition is disposed of with a direction upon the petitioner to file separate representation making his respective claims before the respondent No.4 and also enclose any other materials in addition to the earlier representation filed if so advised. On the receipt of the same, the respondent No.4 shall pass a separate speaking order in respect of the separate representation filed by petitioner and the same shall be communicated to him. This exercise shall be completed within a period of 3(three) months from the date of receipt of such representation from the petitioner.

[7] 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