

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 334 of 2022

Sri Subhas Chandra Dhar and Anr.

----Petitioner

Versus

The State of Tripura & 3 Ors.

----Respondent

For Petitioner(s)	: Mr. D. Debnath, Adv.
For Respondent(s)	: Mr. D. Sarkar, Adv.
Date of hearing and delivery 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] The brief facts of the petitioner is that the daughter-in-law of the petitioners namely Gitasree Namasudra (since deceased) had joined as Lower Division Clerk (fixed pay) on 20.06.2009 to the office of the Assistant Engineer DWS (Drinking Water & Sanitation) Sub-Division- Dhalai Tripura. On 22.08.2014 the service of the Gitasree Namasudra, LDC declared as regular. The marriage between Gitasree Namasudra (since deceased) with Debabrata Dhar (since deceased), the son of the petitioners was solemnized on 11.03.2015. On 03.01.2020 Debabrata Dhar, the son of the petitioner expired. Gitasree Namasudra, the daughter-in-law of the petitioner died on 06.06.2021 suffering from the effect of Covid-19. The petitioner No.1 submitted written representation to the Executive Engineer, DWS, Kamalpur Division on 26.07.2021 for stopping the service benefits of the deceased employee Gitasree Namasudra, the daughter-in-law of the petitioners till finalization of succession status of Gitasree Namasudra. The petitioner no.1 submitted written objection against the prayer of Smt. Chinubala Ghosh, the respondent No.4 on 02.08.2021 for obtaining survival certificate on the death of Gitasree Namasudra.

[3] Hence, by the means of this writ petition, the petitioners herein, have approached this court seeking following relief:

- (i) Issue Rule, calling upon the respondent Nos. 1 to 3 or each of them as to why the order if any payment of the service benefits such as gratuity, leave salary, group insurance, family pension etc. due for the deceased employee to the respondent No.4 or to any person excepting the petitioners should not be quashed and set aside.
- (ii) Issue Rule upon the respondent Nos. 1 to 3 or each of them not to make the payment of service benefits such as gratuity, provident fund, leave salary group insurance, family pension et. For the deceased employee to the respondent No.5 or to any other person or persons as the respondent No.4 or any other person or persons are not the legal representatives of the deceased employee.
- (iii) Issue Rule directing the respondents No.1 & 3 or each of them to have made the payment of service benefits such as gratuity, provident fund, leave group insurance, family pension etc. to the petitioners being the father-in-law and mother-in-law of the deceased as her Class-II legal heirs/representatives.

[4] ^(iv) Heard Mr. D. Debnath, learned counsel appearing for the petitioners as well as Mr. D. Sarkar, learned counsel appearing for the respondents.

[5] Having considered the submission as made the counsel for the parties and 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 petitioners in the light of the recommendation dated 26.07.2021 of the petitioners in accordance with law within a period of two months from the date of receipt of copy of this order. The petitioners are 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