

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.320 of 2021

For Petitioner(s)	:	Mr. S. Lodh, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. B. Majumder, Deputy SGI.

HON'BLE THE CHIEF JUSTICE (ACTING)

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04/04/2023

Heard Mr. S. Lodh, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned G.A. and Mr. B. Majumder, learned Deputy SGI, appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for enforcement of the Constitutional rights of the petitioner guaranteed under Articles-14, 16, 21 & 300-A of the Constitution and the statutory rights guaranteed under Tripura State Civil Services (Revised Pension) Rules, 2009 and also for issuance of a writ of certiorari for calling for the records lying with the official respondents. Further to re-fix the pension of the petitioner granting full pension benefits.

The petitioner has prayed for the following reliefs:

- i. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of certiorari and/or in the nature thereof, shall not be issued, calling for the records, lying with them.
- ii. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, for mandating/directing the respondents to re-fix the pension of the petitioner granting full pension benefits.
- iii. After hearing the parties, be pleased to make the rules absolute in terms of prayer ii. above.
- iv. Call for the records, appertaining to this petition.
- v. Costs of incidental to this proceeding."

The case of the petitioner is that the petitioner joined in service as Assistant Teacher on 15.02.1982 and after serving more than 25 years, he retired from service on superannuation on 29.02.2008. After his retirement, the

Tripura State Civil Services (Revised Pension) Rules, 2009 was promulgated giving effect from 01.01.2006. Prior to Tripura State Civil Services (Revised Pension) Rules, 2009, for getting full pension benefit one has to serve 33 years of service, but by Tripura State Civil Services (Revised Pension) Rules, 2009 for getting full pension 33 years of service has been reduced to 25 years.

As the respondents did not give any benefit of Tripura State Civil Services (Revised Pension) Rules, 2009, some of similarly situated persons approached this Court and vide judgment and order dated 24.01.2020 granted the relief. Thereafter, the petition also made a representation on 15.02.2021, but till date the respondents did not give any reply thereto.

Hence, the present petition has been filed by the petitioner before this Court for redress.

Mr. S. Lodh, learned counsel appearing for the petitioner has submitted that the subject matter involved in this writ petition is covered by an order passed by this Court with regard to the status of the petitioner under Tripura State Civil Services (Revised Pension) Rules, 2009 wherein, for getting full pension 33 years of service has been reduced to 25 years. Accordingly, the petitioner is entitled for the benefit. He further submitted that the petitioner has represented the matter before the respondents by way of registered post vide letter dated 15.02.2021, but till date the respondents did not give any reply thereto.

Learned counsel appearing for the respondents has submitted that being aggrieved by the order passed by this Court in this subject matter; an SLP being Diary No. 480 of 2023 has been preferred by the respondents. It is seen from the records that the request which has been made by the petitioner dated 15.02.2021, is still pending before the respondents for consideration. Accordingly, without expressing any opinion on merits, the present writ petition stands disposed of directing respondent authority to consider the case

of the petitioner in accordance with law and also in the light of the letter which has been filed by the petitioner before the respondents within a period of three months from the date of receipt of the copy of this order. It is needless to observe that the respondents may also consider the pendency of the SLP before the Hon'ble Apex Court.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)

A. Ghosh



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