

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.381 of 2022

For Petitioner(s) : Mr. Rajib Saha, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.
Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

04/04/2023

Heard Mr. R. Saha, learned counsel appearing for the petitioners.
Also heard Mr. D. Sarma, learned Addl. G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

The petitioner has prayed for the following reliefs:

- i. Issue rule NISI.
- ii. Issue a 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, shall not be issued mandating/directing/commanding the respondent authorities particularly the respondent No.2 to provide the petitioner a suitable job, immediately, commensurate to his academic qualification under the die-in-harness scheme on the compassionate ground due to sudden death of Bimal Chandra Deb, the father of the petitioner who was serving as Fireman by joining in the post w.e.f 16.12.1996 under the respondent authorities.
- iii. Issue a 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 of the records pertaining to the applications submitted by the petitioner on 30.08.2018 and 12.11.2020, from the office of the respondent No.2.
- iv. After hearing the parties be pleased to make the rule absolute in terms of (i), (ii) & (iii) above.”

By preferring the present petition, the petitioner has sought for a direction upon the respondent authorities to provide the petitioner a suitable job commensurate to his academic qualification under the die-in-harness scheme on the compassionate ground due to sudden death of Bimal Chandra Deb, the father of the petitioner who was serving as Fireman by joining in the post w.e.f. 16.12.1996.

Just after death of the father, the mother of the petitioner had submitted an application on 30.08.2018 for compassionate appointment of the petitioner since he is the sole eligible person in their family. Thereafter, receiving no response from the side of the respondents, the petitioner himself submitted an application on 12.11.2020 before the authority for his appointment under the die-in-harness scheme but, that application is also unattended by the respondents till date.

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

In view of above, it reveals that the matter is pending since 2018 to 2020 and there is certain disputed question of facts which needs to be taken care of. Thus, the respondents are directed to consider the matter in its entirety, in accordance with law. However, the petitioner is also at liberty to file a representation before the concerned authority indicating the earlier communications which are already made to the respondents along with all relevant documents.

Having considered the submission of the learned counsel for both the parties, without expressing any opinion on merits, the present writ petition stands disposed of directing respondents to consider and dispose of the case of the petitioner in accordance with law within a period of three months from the date of receipt of the copy of this order.

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

CHIEF JUSTICE (ACTING)

A. Ghosh