

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 310 of 2023

Udai Sankar Dewanjee

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

Versus

State of Tripura and 3 others

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

For Petitioner(s) : Mr. P Roy Barman, Sr. Advocate.
Mr. Kawsik Nath, Advocate.

For Respondent(s) : Mr. B. Majumder, Deputy SGI.

Date of hearing and
delivery of judgment
and order : 19.05.2023.

Whether fit for reporting : Yes/No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India filed by the petitioner.

[2] The brief facts enumerated in the petition of the petitioner are that the petitioner has sought for extending the benefit of full pension to him on the basis of 25 years in terms of the judgment and order dated 24.01.2020 and 31.01.2020 passed by this Court in W.P(C) No.430 of 2019, W.P.(C) No.431 of 2019 and W.P.(C) 432 of 2019 and judgment and order dated 21.09.2022 passed by the Division Bench of this Court in W.A. 231 of 2020, W.A. 448 of 2020, W.A. 23 of 2020, W.A. 26 of 2021, W.A. 190 of 2021 & W.A. 196 of 2021. The petitioner submitted representation to the Director of School Education (Elementary), Government of Tripura on 26.11.2022(received by the concerned department on 28.11.2022) seeking benefit of full pension on 25 years of service in terms of the judgment orders aforesaid of this Court. But, the respondents have not yet acted upon the representation submitted by the petitioner and he (petitioner) has not yet been communicated by the respondents regarding status of his representation.

[3] Being aggrieved, the petitioner has approached this Court for the following reliefs:

(i) Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to give the benefit of full pension to the petitioner on the basis of 25 years of service in terms of Rule 5 of Tripura State Civil Services (Revised Pension) Rules, 2009.

(ii) Issue Rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to extend the benefit of full pension to the petitioner on the basis of 25 years service in terms of the judgment and order dated 24.01.2020 & 31.01.2020 passed by the High Court in W.P.(C) No.430 of 2019, W.P.(C) No.431 of 2019 and W.P.(C) 432 of 2019 and judgment and order dated 21.09.2022 passed by the Division Bench of this Court in W.A. 231 of 2020, W.A. 448 of 2020, W.A. 23 of 2020, W.A. 26 of 2021, W.A. 190 of 2021 & W.A. 196 of 2021.

(iii) Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondent to recalculate and re-determine the pensionary benefits of the petitioner/petitioners giving the benefit of full pension on the basis of 25 years of service and pay the arrear amount.

[4] Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Kawsik Nath, learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, Deputy SGI appearing for the Union-respondent(s).

[5] Having considered the submissions as advanced by the learned counsel appearing for both the parties and without expressing any opinion on merits of this case, the present writ petition stands disposed of directing the respondents to consider the case of the petitioner in the light of the representation submitted on 26.11.2022 before the respondent(s) (received by the concerned department on 28.11.2022) within a period of 3(three) months from the date of receipt of the copy of this order.

[6] Accordingly, present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE