

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.437 OF 2022**

Smt. Babita Saha

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

Vs.

The State of Tripura and ors.

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

For the Appellant(s) : None.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. D. Sarkar, Advocate.

Date of hearing and delivery of
Judgment & Order : 16.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

" i. Issue a rule calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or a Writ or order in the nature thereof shall not be issued directing the State respondents to send the records relating to this case upto this Hon'ble Court;

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 any other Writ direction or order in the nature thereof shall not be issued striking off rule 1(2) of the "District Rural Development Employees Death Cum Retirement and Leave Encashment Regulations of Tripura, 2014" published vide Notification No.F.1(154)-RD-SGSY/88/3485-3529 dated 07.11.2014(Annexure-3 ante) of the Rural Development of the Government of Tripura.

iii. Issue a rule calling upon the respondents and each one of them to show cause as to why a Writ of Mandamus and/or any other Writ direction or order in the nature thereof shall not be issued directing the respondent authorities particularly, the respondent No.2, 3 & 5 to make payment of interest @ 12% for the period of delay from 01.05.2006 date fore non-payment of the retrial benefits in time.

And/or

Issue any other directions or directions, order or orders as Your Lordships may deem fit and proper in view of the facts and circumstance of the case;

And

iv. call for the records.

v. After hearing the parties, be pleased to make the rule absolute in terms of (i), (ii) and (iii) above.

2. When the matter is called out today, none appears on behalf of the petitioner. Mr. B. Majumder, learned Deputy SGI appears on behalf of the Union-respondent and Mr. D. Sarkar, learned counsel appears on behalf of the State-respondents.

3. Mr. Sarkar, learned counsel appearing for the State-respondents has placed a Judgment and Order dated 10.11.2022 bearing No. WP(C) No.436 of 2022 before this Court and stated that in pursuance of the said judgment, the petitioner is not entitled to any benefits and the case of the petitioner needs to be dismissed.

4. Heard both sides and perused the evidence on record.

5. It is seen from the record that the petitioner has submitted a representation dated 23.06.2020 to the respondent No.2 for payment of his interest. A reminder dated 17.08.2020 was also submitted. But the petitioner has not received any response from the respondents. Ultimately, the petitioner has submitted a Demand Notice dated 15.03.2021

through his lawyer before the respondents claiming his relief. Thereafter also, the respondents' authorities did not give any response to the said demand notice.

6. As such, without expressing any opinion on the merits, this present writ petition is disposed with a direction upon the respondents to consider the legal notice sent on behalf of the petitioner in accordance with law and take a decision into the same within a period of 3(three) months from the date of receipt of the copy of this order.

7. With the above observation and direction, this present writ petition stands disposed of. Stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

