

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.460 OF 2022**

Abdul Rezzak

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

Vs.

The State of Tripura and ors.

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

For the Petitioner(s) : Mr. Koomar Chakraborty, Advocate.

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

Date of hearing and delivery of
Judgment & Order : 27.04.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

The case of the petitioner is that he is due for his certain arrears and accordingly, he has represented the matter before the respondents by letter dated 11.05.2022 addressed to the Branch Manager, Punjab National Bank. Since the respondents have not taken any initiative, the present writ petition is filed seeking the following reliefs:-

" i. Issue Rule, calling upon the Official 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 them to revoke/rescind the impugned Pension Payment Order of the petitioner(Annexure-4 supra), insofar as it relates to hi Last Pay & Net Pension, amounting to Rs.19,260/- & Rs.9,630/- respectively,

and thereupon, direct them to modify the said Pension Payment Order(Annexure-4 supra), thereby recording his Last Pay & Revised Net Pension as Rs.19,560/- & Rs.9,780/- respectively, and accordingly, pay the monthly pension, in favour of the petitioner;

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, shall not be issued, mandating/directing them to make payment of the arrears of the said revised pension, in favour of the petitioner, for the period stretching from 01.10.2009 to till the date of payment of the revised monthly pension.

iii. Call for the records, appertaining to this Writ Petition.

iv. After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (ii) above.

v. Costs of and incidental to this proceeding.

vi. Any other relief(s) as to this Hon'ble High Court may deem fit and proper."

2. Heard Mr. Koomar Chakraborty, learned counsel appearing for the petitioner as well as Mr. D.C. Saha, learned counsel appearing for respondents No.1, 2, and 3, and Mr. B. Majumder, learned Deputy SGI appearing for respondent No.4 and Mr. P. Saha, learned counsel appearing for respondents No.5, 6 and 7.

3. During the pendency of the writ petition, the respondents have filed their counter affidavit and have enclosed the statement of account indicating that the petitioner is entitled to only Rs.45,189/- and accordingly, the same is credited to his account.

4. Per contra, learned counsel appearing for the petitioner submits before this Court that he is entitled to Rs.1,68,245/- and since the respondents have deposited Rs.45,189/- there is a remaining amount of Rs.1,23,056/-

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

6. It is seen from the record that since the petitioner has not submitted the entire account in support of his claim before the respondents along with the letter dated 11.05.2022, the petitioner is at liberty to make available all the statements of the account according to him which is entitled to. On receipt of the statement, the respondents shall reconsider the claim in terms of the statement of account available in their bank record and then settle the matter amicably. Before taking a decision, the respondents shall give the petitioner an opportunity to verification of the account. This exercise shall be completed 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. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE