

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 395 of 2023

For Petitioner(s)	: Ms. N. Ghosh, Adv.
For Respondent(s)	: Mr. B. Majumder, Deputy SGI. Mr. K. De, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

03.07.2023

Heard.

This is a petition under Article 226 of the Constitution of India for directing the respondents to provide full and final payment of gratuity of the petitioner i.e. to release the rest amount of gratuity of the petitioner with interest @ 9% per annum w.e.f. the date on which gratuity became payable till the date of payment.

The petitioner has sought for the following reliefs by way of filing this writ petition

- (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 provide full and final payment of gratuity of the petitioner i.e. to release the rest of amount of gratuity of the petitioner, with interest @ 9% per annum w.e.f. the date on which gratuity became payable till the date of payment.*
- (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 re-determine the pension, gratuity & other pensionary benefits of the petitioner after taking into account the last basic pay of the petitioner i.e Rs.64,500/-*
- (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 respondents to pay the full and final payment of the gratuity to the petitioner payable at par the ceiling limit of Rs.20,00,000 instead of Rs.10,00,000/- on which he has been paid his gratuity.*
- (iv) *Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders or direction/directions of like nature shall not be issued whereby directing the respondents to pay interest on the amount of gratuity @9% per annum payable to the petitioner, w.e.f the date on which gratuity became payable till the date of payment.*
- (v) *Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders or direction/directions of like nature shall not be issued whereby Quashing and canceling the letter dated 13.03.2023 issued by the Sr. Accounts Officer, O/o the Accountant General (A&E), Tripura, Agartala.*
- (vi) *Make the rules absolute*
- (vii) *Call for records.*
- (viii) *Pass any further order/orders as this Hon'ble High Court considered fit and proper.*

Aggrieved by the action of the respondents in not settling his service benefits despite the respondents being represented by the petitioner, the present writ petition is filed.

Without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the

petitioner in the light of the letter/representation dated 31.05.2023 made by the petitioner to the respondents in accordance with law within a period of three months from the date of receipt of copy of this order. The petitioner is at liberty to provide all the relevant materials to the respondents, if so advised.

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



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