

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 473 of 2022

Sri Dipak Kumar Bhowmik and Anr.

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Appellant(s)	: Mr. P Roy Barman, Sr. Adv. Mr. K. Nath, Adv.
For Respondent(s)	: Mr. P. Gautam, Adv. Mr. D. Sharma, Addl. GA.
Date of hearing and date of judgment and order	: 16.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

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

[2] It is the case of the petitioner that they have sought for necessary order/direction upon the respondents from this court to determine the gratuity & leave salary payable to the petitioners after taking into account the last basic pay of the petitioners Nos. 1 and 2 i.e. Rs.54,000/- and Rs.23,600/- respectively with interest. The petitioners have sought for necessary order/direction upon the respondents to provide the gratuity & leave salary payable to the petitioners as per revision of pay in terms of the Tripura State Pay Matrix, 2018, adopted by the Tripura State Co-operative Union with interests. The petitioners have also sought for direction the respondents to provide the statutory interests to the petitioners on the amount of gratuity & leave salary with interest @ 9% per annum w.e.f. the date on which gratuity became payable till the date of actual payment & to provide the benefit of notional fixation to the petitioners w.e.f. 01.10.2018 upto the date of their retirement, as per the Tripura State pay Matrix, 2018 with interests. The petitioners have also sought for direction the respondents to release the arrears of pay to the petitioners as per revision of pay in terms of the Tripura State Pay Matrix, 2018 with interest, which has not been released in favour of the petitioners

& to quash and cancel the letter dated 19.11.2021 issued by the Registrar of Co-operative Societies, Govt. of Tripura.

[3] Hence, by means of this writ petition, the petitioners herein have approached this court seeking relief *inter-alia*.

- (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 determine the gratuity & leave salary payable to the petitioners after taking into account the last basic pay of the petitioners No.1 & 2 Rs.54,000/- and Rs.26,300/- respectively with interests.
- (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 provide the gratuity & leave salary payable to the petitioners as per revision of pay in terms of the Tripura State Pay Matrix, 2018 adopted by the Tripura State Co-operative Union with interests.
- (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 provide the statutory interests to the petitioners on the amount of gratuity & leave salary with interest @ 9% per annum w.e.f. the date on which gratuity became payable till the date of actual payment.

[4] Heard Mr. P Roy Barman, learned senior counsel appearing for the petitioners as well as Mr. P. Gautam, learned counsel appearing for the respondents.

[5] Having perused the entire records and also considering the submission as advanced by the counsel for the parties, this court is remanding back the case to the respondents. The respondents are directed to reconsider the matter of the petitioners herein without making any discrimination to them as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order. This decision shall be taken keeping in mind the letter dated 23.11.2018 of the Executive Officer, Tripura State Co-operative Union addressed to the Registrar of Co-operative Societies.

[6] 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