

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.411 OF 2023**

Sri Bikash Roy
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s)	: Mr. P.Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate. Mr. K. Nath, Advocate.
For the Respondent(s)	: Mr. R. Datta, P.P. Mr. S. Debnath, Addl. P.P.

05.07.2023

Order

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

"i. Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to implement the Order, dated 02.12.2021, passed by the Hon'ble High Court in WP(C) No.617 of 2021.

ii. Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to make payment of Rs. 12,09,046/- as gratuity to the petitioner.

iii. Issue Rule upon the respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to pay interest @ 9% per annum on Rs.12,09,046/- for delay payment w.e.f. 01.09.2020 till the date of actual payment.

iv. Issue Rule upon the respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to release leave encashment benefit to the petitioner with interest @9% P.A. w.e.f. 01.09.2020, till the payment is made.

v. Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or directions of like nature shall not be issued whereby quashing the letter, dated 19.06.2023, issued by the Managing Director, THCL.

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."

Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr.S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl. G.A., appearing for the respondents.

It is seen from the record that the state government has filed a Review Petition before this Court vide Rev.Petn No.4 of 22 for review of the order dated 02.12.2021, passed by this Court in WP(C) No.617 of 2021. But vide Judgment and Order(Oral) dated 24.04.2023, the said review petition was dismissed. In such circumstances, this Court feels that the present petition is not maintainable. However, the petitioner is at liberty to take steps available under the law, if so advised, under the Contempt of Courts Proceedings since the review Petition filed by the Government has been dismissed vide order dated 24.03.2023.

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

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

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RAJKUMAR
SUHANJIT SINGHA
Date: 2023.07.06
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