

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.466/2021

Sri Santosh Choudhury

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Ms. A. Debbarma, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

31/03/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner. None appears for the respondents.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to make full and final payment of gratuity in favour of the petitioner along with interest @ 9% per annum w.e.f. the date on which gratuity became payable till date of actual payment.

3. The facts of the case, in brief, are that the petitioner joined service on 25.08.1986 under the respondents as Contractual Employee,

Class-III and was regularized on 01.09.1989. The petitioner retired from service on superannuation on 28.02.2021 and as such, as per the enhanced ceiling limit of gratuity the petitioner became entitled to get Rs.10,58,538/- as full and final gratuity along with interest @ 9% per annum w.e.f. the date on which gratuity became payable till date of actual payment. The petitioner made a representation on 15.03.2021 requesting the respondent authority to release the gratuity and on 09.04.2021 an amount of Rs.10,00,000/- was sanctioned in favour of the petitioner and on 03.04.2021 leave salary of 300 days was also sanctioned but petitioner has not yet received the amount. Subsequently, on 30.06.2021 petitioner again submitted a representation to release the balance amount of gratuity and also leave salary. But till date, the respondents have failed to cause full and final payment of gratuity in favour of the petitioner. Aggrieved thereby, the petitioner has filed this writ petition to make full and final payment of gratuity in his favour along with interest @ 9% per annum w.e.f. the date on which gratuity became payable till date of actual payment. Hence, this case.

4. Petitioner has prayed for 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 direction/directions of the like nature shall not be issued whereby directing the Respondents to pay interest @

9% per annum on Rs.96,615/-, w.e.f., 03.04.2021 till the date of payment.

(ii) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued whereby directing the Respondents to pay interest @ 9% per annum on leave salary in pursuance to the sanction memo, dated, 03.04.2021.

(iii) Make the rules absolute.

(iv) Call for records.

(v) Pass any further order/orders as this Hon'ble High Court consider fit and proper.”

5. In view of the above, without expressing any opinion on merits, the present writ petition is disposed of directing the respondents to consider the representation made by the petitioner on 30.06.2021 in accordance with law within a period of one month from the date of receipt of the copy of this order.

6. With the above observation and direction, the writ petition is disposed of.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak