

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.483 OF 2021**

Sri Ratan Chandra Sarkar

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

Vs.

The State of Tripura and ors.

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

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

For the Respondent(s) : Mr. S. S. Sarkar, Advocate.

Date of hearing and delivery of
Judgment & Order : 24.02.2023

Whether fit for reporting : YES/NO.

**HON'BLE THE CHIEF JUSTICE(ACTING)
JUDGMENT AND ORDER(ORAL)**

The case of the petitioner herein is that the petitioner has prayed for necessary direction upon the respondents to re-determine the gratuity & leave encashment benefit, considering Rs.52,400/- as the last basic pay of the petitioner given the implementation of Tripura Pay Matrix-2018, for the employees & workers of Tripura Small Industries Corporation Ltd. w.e.f. 01.10.2018. The petitioner's leave encashment benefit was calculated based on pre-revised basic pay of Rs.44,690/-. After the implementation of Tripura Pay Matrix-2018, the last basic pay of the petitioner became

Rs.52,400/- . The petitioner retired from service as LD Accounts on attaining the age of superannuation w.e.f. 30.11.2018. The petitioner also became entitled to arrear pay & salary w.e.f. 01.10.2018 to 30.11.2018, in the revised pay scale. The respondents have not made any response to the representation of the petitioner dated 18.02.2021, seeking redress of genuine grievance.

2. Hence, the petitioner has filled this instant writ petition praying for the following reliefs:-

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 re-determine the gratuity & leave encashment benefit, which became admissible to the petitioner on his retirement from service by reckoning Rs.52,400/- as the last basic pay of the petitioner & pay the gratuity, leave encashment benefit after adjusting the benefit already paid.

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 release the arrear pay & salary in consequence of allowing the benefit of Tripura Pay Matrix-2018, to the petitioner for the period of 1st October-2018 to 30.11.2018, with interest @ 9% per annum till the date of actual payment.

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 cause full and final payment of gratuity & leave encashment benefit with interest @9% per annum w.e.f. 01.01.2019 till the actual payment is made after adjusting the payment already made.

iv. Make the rules absolute.

v. Call for records.

vi. Pass any further order/orders as this Hon'ble High Court considered fit and proper."

3. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr.K. Nath, learned counsel appearing for the

petitioner as well as Mr. S.S. Debnath, learned counsel appearing for the respondents.

4. Mr. Roy Barman, learned Sr. counsel appearing for the petitioner submits that the respondents are sitting idle over the legitimate claim of the petitioner. Even the respondents have not made any response to the representation submitted by his client dated 18.02.2021.

5. After hearing learned counsel appearing for the parties and perusing the evidence on record, this Court is of the opinion that the respondents shall consider the representation dated 18.02.2021 submitted by the petitioner herein in accordance with the law. The petitioner is also at liberty to place all relevant materials in support of his claim before the respondents. On receipt of the same, the respondents shall decide the matter on merits within a period of 2(two) months.

6. With the above observation and direction, this instant writ petition stands disposed of. Stay order, if any, stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)