

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.511/2021

Sri Mrinal Kanti Chakraborty and others

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mrs. Sujata Deb (Gupta), Advocate,
Ms. Rumpa Dey, Advocate.

For Respondent(s) : Mr. B.N. Majumder, Sr. Advocate,
Mr. A. Roy Barman, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

31/03/2023

Heard Mrs. Sujata Deb (Gupta), learned counsel appearing for the petitioners. Also heard Mr. B.N. Majumder, learned senior counsel, and Mr. A. Roy Barman, learned counsel appearing 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 release the dearness allowance as per the memorandum dated 13.11.2019 and also to quash the communication dated 11.12.2019 issued by the Finance Department, Government of Tripura.

3. The facts of the case, in brief, are that the petitioners were the employees of sub-ordinate judiciary and by now they got retired from service on superannuation. After retirement of the petitioners, it was found that there were discrepancies with regard to their Dearness Reliefs. The Finance Department vide memorandum dated 13.11.2019 enhanced the rate of D.A./D.R. from 154% to 164% w.e.f. 01.07.2019 and also allowed this benefit to the in-service employees of the subordinate judiciary followed by enhanced rate of DA from 164% to 189% and thereafter from 189% to 196%. But the General Manager, Pension Cell of UCO Bank, Kolkata, respondent No.6 herein, without any reason declined to extend such benefit. Aggrieved thereby, the petitioners have filed this writ petition to release the dearness allowance as per the memorandum dated 13.11.2019 and also to quash the communication dated 11.12.2019 issued by the Finance Department, Government of Tripura. Hence, this case.

4. Petitioners have prayed for the following reliefs:

- "(i) Admit the petition of the petitioners.
- (ii) Call for records from the custody of the respondents, having relevance to the subject matter.
- (iii) Issue writ directing the respondents to release the dearness allowance as per the memorandum vide No.F.5(6)-FIN(G)/79(P-II), Dated 13.11.2019 issued by the respondent No.2 sanctioned dearness allowance at the enhanced rate i.e. existing from 154% to 164% w.e.f. 01.07.2019.

(iii.a) Issue writ directing the respondents to release the dearness allowance as per the memorandum No.F.5(6)-FIN(G)/79(P-II)/763-922, dated 04.09.2021 as issued by the respondent No.2 and sanction dearness allowance at the enhanced rate i.e. from 164% to 189% w.e.f. 01.07.2021 and memorandum No.1/3(1) 2008-E.II(B) dated 01.11.2021 sanction dearness allowances at the enhanced rate i.e. from 189% to 196% w.e.f. 01.07.2021 and future enhanced admissible D.A/D.R.

(iv) Issue writ directing the respondents to quash the communication vide No.F.7(1)-FIN(PC)/2012/843, Dated 11.12.2019.

(v) Issue writ directing the respondents to release the dearness allowance as per the memorandum No.F.5(6)-FIN(G)/79(P-II) dated 13.11.2019 as issued by the respondent No.2 and sanction dearness allowances at the enhanced rate i.e. from 154% to 164% w.e.f. 01.07.2019 and future enhanced admissible D.A/D.R.”

5. In view of the above, without expressing any opinion on merits, the present writ petition is disposed of directing the petitioners to file their representations before the respondents seeking their reliefs sought for along with all materials available in support of their claims and on receipt of the same, the respondents shall consider the case of the petitioners in accordance with law within a period of three months from the date of receipt of such representation(s).

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

HIGH COURT OF TRIPURA



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