

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.585/2022**

Gautam Bhattacharjee

.....Petitioner(s).

**V E R S U S**

The State of Tripura & others

.....Respondent(s).

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For Petitioner(s) : Mr. Raju Datta, Advocate,  
Mr. Kundan Pandey, Advocate.

For Respondent(s) : Mr. A. Roy Barman, Advocate,  
Mr. G.S. Bhattacharjee, Advocate.

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**HON'BLE THE CHIEF JUSTICE (ACTING)**

**Order**

**10/02/2023**

Heard Mr. Raju Datta, learned counsel appearing for the petitioner. Also heard Mr. G.S. Bhattacharjee, learned counsel appearing for the State respondents No.1 to 5 and Mr. A. Roy Barman, learned counsel appearing for the respondents No.6 to 8-Tripura Gramin Bank.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to allow the petitioner to go on voluntary retirement from the post of Supervisor, ICDS and also to release all pensionary benefits including arrears of salary w.e.f. February, 2016 to till date along with interest.

3. Petitioner has prayed for the following reliefs:

"(i) It is, therefore, humbly prayed that Your Lordships would graciously be pleased to issue Rule upon the Respondents to show cause as to why the Respondents should not transmit all records relating to the case of the petitioner;

**A N D**

(ii) As to why a writ in the nature of mandamus should not be issued directing the Respondents to allow the petitioner for Voluntary retirement from the post of Supervisor, ICDS and also release all pensionary benefits including arrears of salary w.e.f. February, 2016 to till date along with interest.

**A N D**

(iii) As to why such other order/orders should not be passed so as to give full relief to the Petitioner and, upon causes shown, to make the Rule absolute.”

4. Case of the petitioner, in short, is that the petitioner entered into service as to the post of Supervisor, ICDS by a memorandum dated 02.05.2001. After completion of more than 20 years of qualifying service, the petitioner submitted an application for going on voluntary retirement to the appointing authority in writing with reasons but the respondents did not consider the application of the petitioner within the

statutory period. Aggrieved thereby, the petitioner has filed the present writ petition. Hence, this case.

5. Mr. Raju Datta, learned counsel appearing for the petitioner, contends that the petitioner was appointed to the post of Supervisor, ICDS on 02.05.2001 and he prayed for voluntary retirement from service vide prayer dated 03.12.2021 by giving three months prior notice to the appointing authority on his successful completion of 20 years of qualifying service. Counsel also contends that in the month of September, 2005 the petitioner took a loan amounting to Rs.3,00,000/- from Tripura Gramin Bank, Harina Branch and in the month of February, 2016 the respondents without any valid reasons withheld the salary of the petitioner and the respondents did not even communicate anything regarding non-release of his salary. Counsel further contends that no disciplinary proceedings or criminal case was ever initiated against the petitioner, more so, the son of the petitioner is suffering from 100% disability of hearing impairment. Accordingly, he prays for releasing all his pensionary benefits including arrears of salary w.e.f. February, 2016 to till date along with interest.

On the other hand, Mr. G.S. Bhattacharjee, learned counsel appearing for the State respondents as well as Mr. A. Roy Barman,

learned counsel appearing for the respondents-Bank fairly submitted that they have no objection if the retiral benefits are released in favour of the petitioner after adjusting the dues payable by him.

6. In view of submissions of learned counsel of both sides, this Court is of the considered opinion that at the time of relieving the petitioner by considering his voluntary retirement, whatever the amounts payable by the petitioner, the same shall be adjusted from his retirement benefits and the remaining amounts shall be paid to him. It is also directed that whatever the statutory benefits the petitioner is entitled to, the same shall be paid to him in accordance with law.

7. With the above observations and directions, the writ petition is allowed and stands disposed of.

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

**CHIEF JUSTICE (ACTING)**

*Pulak*