

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 492 of 2023

Sri Tapan Nama

---Petitioner(s)

Versus

The State of Tripura And 4 Ors

---Respondent(s)

For Petitioner(s)	: Mr. Samar Das, Advocate.
For Respondent(s)	: Mr. M. Debbarma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

22.08.2023

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. M. Debbarma, learned Addl. GA appearing for the state-respondent.

This is a petition under Article 226 of the Constitution of India for seeking the following reliefs.

- (i) Issue rule NISI asking the respondents to show cause as to why a writ of mandamus should not be issued commanding the respondents and each one of them to release all the death-cum-retirement benefits of Late Raidhan Nama to the petitioner and all the other legal heirs of Late Raidhan Nama that are due to the legal heirs of Late Raidhan Nama and once they appear and show cause make the rule absolute.*
- (ii) Set aside and quash the letter dated 31.01.2023 vide No.F.3(705)/EE/DWS/DIVN/AGT-II/2196 issued by the respondent No.4.*
- (iii) Issue of writ of certiorari or in the nature thereof commanding the respondents and each of one of them to transmit all the records in connection with the present case;*

And

Pass such other order or orders as deemed fit and proper in the circumstance of the case.

It is the case of the petitioner that the father of the petitioner namely Late Raidhan Nama was a Government Employee under Drinking Water & Sanitation (DWS) Division, PWD. While in service, the father of the petitioner expired on 18.06.2019 leaving behind his legal heirs and survivors. The petitioner and all other legal heirs of Late Raidhan Nama were not given any death-cum-retirement benefits of Late Raidhan Nama except for GPF.

It is also represented by the petitioner that several prayers were made to the respondents but they did not take any action neither replied. Lastly, the respondent No.4 vide reply to letter dated 20.01.2023 informed by letter dated 31.01.2023 that due to circulation of rule by Govt. of Tripura on 2nd March, 2019 vide Notification No.F.1(1)/GA/P&T/18 by rule 2.4 and 2.6, the benefits could not be given to the family members of Late Raidhan Nama. Aggrieved by the said action of the respondents, the petitioner has approached this court for seeking relief.

On bare perusal of the record, it appears to this court that the said notification which is referred in the impugned order by rejecting the case of the petitioner pertains to extending Die-in-harness benefits, providing compassionate appointment or admissible financial assistance to the beneficiaries of the deceased employees. But in the present case, the petitioner is neither seeking any die-in-harness benefits, nor any compassionate appointment and not even any financial assistance under the said scheme. The petitioner has made a claim for getting death-cum-retirement benefit for the family of the deceased which cannot be denied under the said scheme.

In view of the above observation, the impugned letter dated 31.01.2023 is set aside. The matter is remanded back to the respondents for deciding the case of the petitioner on merit in accordance with law within a period of one month from the date of receipt of the copy of this order.

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

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