

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 493 of 2023

Sri Ajit Sutradhar and another

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

Versus

State of Tripura and 2 others

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

For Petitioner(s)	: Mr. S. Datta, Advocate.
For Respondent(s)	: Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

07.08.2023

This instant petition has been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs:

- "i) Admit the petition;
- ii) Call for the records relevant to the subject matter;
- iii) Issue a writ of mandamus directing the respondent and each one of them to provide a suitable job to the petitioner under the die-in-harness scheme on compassionate ground within a time framed by this Hon'ble Court;
- vi) Issue a writ in the nature of certiorari to set aside the letter dated 10.11.2022."

[2] Heard Mr. S. Datta, learned counsel appearing for the petitioners as well as Mr. K. De, learned Addl. G.A. representing the State-respondent.

[3] It is the case of the petitioners that in the year 2016, the wife of petitioner No.1 and mother of the petitioner No.2 died. Accordingly, the petitioner No.1 being the husband of the deceased employee made an application to the respondents for employment under Die-in-harness scheme and his request was rejected by memorandum dated 10.11.2022 indicating that he has crossed the age

limit of 41 years (at the time of death of his wife in 2016) and he is not entitled for any appointment. However, the financial package of rupees 1 lakh under the scheme has been extended to which, he has been advised to apply for the said benefit. The petitioner No.1 herein, challenged the said memorandum dated 10.11.2022.

[4] It is seen from record that the deceased wife of petitioner No.1 died on 02.09.2016 at the age of 38 years leaving behind her two surviving members in her family, who were her husband Ajit Sutradhar, aged 41 years and her son Anirban Sutradhar, aged 13 years. The memorandum dated 10.11.2022 issued by the Ex-Officio Joint Secretary & Director of Health Services, Government of Tripura, Agartala indicates that as the petitioner No.1 has crossed the maximum age limit of 41(forty one) years according to his age proof certificate, his case cannot be considered for employment under Die-in-harness scheme. The said memorandum also provides that the family of the petitioner No.1 is entitled for any monetary package under the scheme and he may apply for the same.

[5] This Court finds no infirmities in the aforesaid memorandum dated 10.11.2022. Accordingly, this Court observes that in the event if the petitioner No.1 is entitled, the same be considered.

[6] Insofar as the petitioner No.2 is concerned, it is seen from the record that he approached the respondents after lapse of 5 years for getting employment under the Die-in-harness Scheme on compassionate ground. Petitioner No.2 being minor at the time of death of his mother, approached to the respondents immediately after attaining majority (18 years). It appears to this Court that there are laches on the part of the petitioner No.2 as he approached the respondents after lapse of 5 years so that, he may become major and eligible for the employment under the Die-in-harness scheme. Thus, such attitude of the petitioner by way of his

own choice in attaining the majority without approaching to the respondents in time cannot be appreciated.

In view of the same, this Court is of the opinion that the petitioners are not entitled for any relief as claimed in the writ petition. However, it is open for the petitioners to comply with the memorandum dated 10.11.2022 issued by the respondent(s).

Accordingly, the instant petition is disposed of in terms of the observations and directions made above.

As a sequel, pending application(s), if any, shall also stand closed.

JUDGE

Sabyasachi. G.

**SABYASACHI
GHOSH**

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