

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.570 OF 2022**

Debashish Datta Roy

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

Vs.

The State of Tripura and ors.

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

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI
Mr. M. Debbarma, Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 16.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Articles
226 and 14 of the Constitution of India seeking the following reliefs:-

i. Issue Rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/direction shall not be issued whereby directing the respondents to sanction & release regular monthly pension under CCS (Pension) Rules, 1972 with interest after allowing the benefits of CAS/ACP/MACP to the petitioner under ROP Rules, on completion of 10 years, 17 years & 25 years of continuous & satisfactory service in the same post or grade without any promotion.

ii. Issue Rule upon the respondents to show cause as to why writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the respondents to cause full and final payment of gratuity to the petitioner calculating the upper ceiling limit as Rupees 20 Lakhs (twenty lakhs) and taking into account, the last basic pay of the petitioner after giving benefits of gradation in terms of ROP Rules, 1999 & subsequent ROPs along with interest @ 9% per annum w.e.f. the date when the petitioner became entitled to get full and final payment of gratuity till the payment is made.

iii. Issue Rule upon the Respondent to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the respondents to re-fix & re-determine the leave encashment benefit after allowing the petitioner the benefit of gradation in terms of ROP Rules, 1999 & subsequent ROP's with his last basic pay.

iv. Make the rules absolute.

v. Call for the records,

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

2. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the Union-respondent and Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents.

3. It is seen from the record that vide representation dated 06.06.2022, the petitioner has ventilated his grievance before the respondents but the same is still pending till today. In view of the same, without expressing any opinion on its merit, this present writ petition is disposed of with a direction upon the respondents to consider the representation dated 06.06.2022 submitted by the petitioner herein in accordance with law. This exercise shall be completed within a period of 3(three) months from the date of receipt of the copy of this order.

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

JUDGE