

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

WP(C) No.507 of 2023

Sri Kamini Debbarma

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 2 Others

.....Respondents

For Petitioner(s) : Mr. B. Banerjee, Advocate.

For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

22/08/2023

Heard Mr. B. Banerjee, learned counsel appearing for the petitioner also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for the protection and enforcement of fundamental and legal right of the petitioner and to set aside the memo dated 04.05.2023. Also, to release the 10% of the final withdrawal of GPF of the petitioner with 12% interest from the date of entitlement, till the date of the actual payment.

The petitioner has prayed for the following reliefs:

“It is therefore, prayed that this Hon'ble Court would graciously be pleased to admit the petition of the Petitioner, call for records from the custody of the Respondents as relevant to the subject matter, issue Writ in the nature of Mandamus directing the respondents and each of them to release the 10% of the final withdrawal of G.P.F. of the petitioner with 12% interest from the date of entitlement till the date of the actual payment and issue a Writ in the nature of Certiorari directing the Respondents and each of them to set aside/quash and /or cancel the MEMO No. F. (2-1)- DEE/Trg/2021/(L)392 Dated 04.05.2023 forthwith and in no time.

AND

Issue Writ in the nature of Prohibition prohibiting the Respondents from giving any affect to the decision contained in the Memorandum No. F. (2-1)- DEE/Trg/2021/(L)392 Dated 04.05.2023 of the Respondent No. 2 (Annexure-5 to the Writ Petition) being unreasonable, illegal, arbitrary, mala-fide and unconstitutional or pass such further order or orders, direction or directions as the Hon'ble Court may deem fit and proper having regards to the circumstances of the case.”

The petitioner retired from his service on 31.07.2021 petitioner filed a writ petition for setting aside the memo dated 18.01.2022 whereby and where under his post retirement benefits were with held and the said writ petition was registered as W.P. (c) 856 of 2022 on 23.09.2022 before this Court and subsequently, vide order dated 27.09 2022, prima facie found the memo Dated 17.08.2022 is illegal. On 10.02.2023 this Court dispose the above mentioned writ petition directing the respondents to consider the impugned memo. Dated 17.08.2022 as well as the representation dated 13.09.2022 filed by the petitioner in accordance with law within three months. On 22 02 2023 the petitioner submitted a copy of the order dated 10.02.2023, passed in W.P. (c) 856 of 2022 stating his grievances along with to release the 10% of his GPF which is with held by the respondent without any reason. On 04.05.2023 the respondent No. 2 issued a memo modifying the earlier memo dated 17.08.2022 directing the respondent No. 2 to deduct Rs. 2500/- in place of Rs. 6,560/- per month from the monthly pension of the petitioner and to be paid to Smti Namita Debbarma as maintenance.

Hence, the present petition has been preferred by the petitioners before this Court for redress.

In view of above and after gone through the memo dated 04.05.2023, this Court finds that the modified order which is impugned herein, is only an order of deduction/debiting Rs.2,500/- towards maintenance of the wife of the petitioner, namely, Smti. Namita Debbarma from the monthly pension of the petitioner. Since she is entitled for such maintenance and deduction of Rs.2,500/- is a meager amount, this Court is not inclined to interfere with the said order of deduction. Accordingly, the same is unaltered and consequently, the present petition stands dismissed.

In terms of the above, the present petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

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GHOSH**

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