

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.510 of 2023

Smti. Manju Rani Roy (Debnath)

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 4 Others

.....Respondents

For Petitioner(s) : Mr. S. Das, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

16/08/2023

Heard S. Das, learned counsel appearing for the petitioner and Mr. K. De, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for directing the respondents as to why the name of the petitioner should not be recorded as the wife of the respondent No.5 in his pension payment order and also to transmit all the records in connection with the present case.

The petitioner has prayed for the following reliefs:

- i. Admit the writ petition.
- ii. Issue of writ of mandamus or in the nature thereof commanding the respondents and each one of them to show cause as to why the name of the petitioner should not be recorded as the wife of the respondent No.5 in his Pension Payment Order vide No.112132857.

AND

- iii. Upon showing cause and after hearing the parties be pleased to direct the respondents to record the name of the petitioner as the wife of the respondent No.5 in his Service Record and Pension Payment Order vide No.112132857.

AND

- iv. Issue of writ of certiorari or in the nature thereof commanding the respondents and each one of them to transmit all the records in connection with the present case.”

The case of the petitioners is that the petitioner is the legally wedded wife of the respondent No.5, Shri Usha Ranjan Debnath but, the respondent No.5

conducted a second marriage to one Smti. Aparna Datta as a result of which, the petitioner was ousted from her matrimonial home by her husband on 06.03.1990. The respondent No.5 was an employee of the respondent No.4 and he retired as Store Keeper on 29.02.2020. The petitioner through RTI was able to obtain the service records of the respondent No.5 and from therein it was revealed that the name of the petitioner who is the wife of the respondent No.5 was not there rather the name of Smti. Aparna Datta is recorded as the wife of the respondent No.5.

Subsequently, the petitioner filed an application before the respondent No.4 with a prayer to include her name in the service book of the respondent No.5 as his wife but it did not yield any fruitful result so the petitioner on 09.03.2023 sent a notice through her counsel to the respondent Nos.3 & 4 for correction of the PPO. By letter dated 10.04.2023, the respondent No.4 informed the petitioner that the respondent No.2 by letter dated 14.08.2020 had directed the respondent No.4 to prepare the pension papers based on service book immediately and thus, the had initiated pension proposal of respondent No.5 as per service book records and sent the same to the office of the Accountant General for finalization of pension.

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

In that view of the matter, this Court is of the opinion that the subject matter which is involved in the present petition is a civil dispute. The respondent No.5, the husband of the petitioner conducted a second marriage to one Smti. Aparna Datta as a result of which, the petitioner was ousted from her matrimonial home by her husband and the name of the second wife has been included in the service book of respondent-husband. Being aggrieved by the same, the petitioner filed objection to include her name in the service book of the respondent-husband and subsequently, the same was rejected. Thereafter, she served one legal notice before the respondent which is still pending.

It is a settled principle of law with regard to the disputed question of facts that relief cannot be given under Article-226 of the Constitution of India. Thus, the same is not for this Court to go in the matter where disputed questions are there. Thus, this Court feels that ends of justice would met if the petitioner

approaches before the appropriate forum i.e. the competent civil Court for her grievance.

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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