

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.511 of 2023

Sri Arun Kanti Choudhury

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 4 Others

.....Respondents

For Petitioner(s)	:	Mr. Biplabendu Roy, Advocate.
For Respondent(s)	:	Mr. K. De, Addl. G.A.
		Mr. K. C. Bhattacharjee, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

16/08/2023

Heard B. Roy, learned counsel appearing for the petitioner and Mr. K. De, learned Addl. G.A. and Mr. K. C. Bhattacharjee, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for calling of records lying with the respondents for rendering substantial and conscionable justice to the petitioner also directing the respondents to pay the amount of gratuity for rendering service for 31 years 5 months 25 days of total qualifying service and the salary for the period of suspension for two months and 15 days. Further, to make full and final payment of gratuity and salary with interest @9% per annum to the petitioner w.e.f. the date on which gratuity became payable till date of payment.

The petitioner has prayed for the following reliefs:

- i. Issue rule upon the Respondents to show cause as to why a writ in the nature of Certiorari and/or any other writ of like nature, should not be issued declaring letter/Order dated 18.11.2022 (Annexure-16) and the letter/order dated 05.12.2022 (Annexure-18) without initiating any proceeding for withholding the gratuity and salary of suspension period to be illegal and without jurisdiction and violative of principles of natural justice and consequently liable to be set aside and/or quashed and as to why a writ in the nature of Mandamus and any other writ of like nature should not be issued directing the respondent authorities and each and every one of them to restrain, refrain and forbear from giving effect to the impugned letter/order dated 18.11.2022 (Annexure-16) and letter /order dated 05.12.2022 (Annexure-18).
- ii. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order orders and or direction/ directions of like nature shall not be issued by directing the Respondents to make Payment of Gratuity with interest @9% per annum to the Petitioner w.e.f the date on which gratuity became payable till date of payment.

iii. Issue Rule upon the respondent to show cause as to why a writ in the nature of mandamus and order/orders and or direction(s) to make payment of salary for the suspension period with interest @9%.

iv. Issue rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/ of order/ orders and or direction/ directions of like nature shall not be issued by directing the Respondent to pay interest @9% per annum on amount of gratuity and on salary of suspension period.

v. Issue Rule upon the Respondents to show cause as to why writ in the nature of mandamus and for order/ order and or direction/ directions of like nature shall not be issued where by directing the Respondents to pay interest @ 9% per annum on the amount of gratuity and salary of suspension period w.e.f 30.05.2003 to till date of actual payment.

vi. Make the rules absolute.

vii. Call for records.”

The present petition has been filed by the petitioner seeking necessary directions from this Court upon the respondents to cause full payment of gratuity and Salary of suspension period. On 05.10.1971 petitioner joined services as an Assistant Foreman, under the respondent. The petitioner retired from service Store Supervisor Grade-I on attaining the age of superannuation we.f. 30.05.2003. Total period of service is 31 years 5 month 25 days. Rs. 10,700/- was the last basic pay and DA was Rs.2354 - As per the enhanced ceiling limits of gratuity the petitioner becomes entitled @ of Rs. 3,50,000/-(Rupees Three Lakh fifty thousands). But till date the Petitioner has not been provided the Gratuity amount after getting superannuation violating the principles of natural justice. There's no proceeding initiated against the petitioner vigilance case has already been cleared.

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

In that view of the matter, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider the case of the petitioner in the light of the reply dated 31.01.2023 submitted by the petitioner before the respondents within a period of three months from the date of receipt of the copy of this order in accordance with law.

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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