

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.594 of 2022

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Ms. A. Debbarma, Advocate.
For Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. Soumyadeep Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

25/04/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India directing the respondents to give leave encashment benefit to the petitioners with interest @9%P.A. w.e.f. one month after the death of the deceased employee Lt. Amrit Lal Sarkar till the date of payment. Also directing the respondents to make the full and final payment of gratuity with interest @9% per annum to the petitioners w.e.f. the date on which gratuity became payable till the date of payment.

The petitioners have prayed for the following reliefs:

- i. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to pay interest @10% per annum on Rs.1,40,719/- w.e.f. 28.09.2015 till the date of actual payment.
- ii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to pay interest @10% per annum on Rs.12,129/- for delayed payment w.e.f. 28.09.2015 to March, 2020.
- iii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to extend leave encashment benefit to the petitioner with interest @10% P.A. w.e.f. 28.09.2015 till the payment is made.
- iv. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/orders and/or directions of like nature

shall not be issued whereby directing the respondents to make the actual payment of Rs.1,00,000/- as sanctioned vide sanction memo dated 17.08.2017.

v. Make the rules absolute.

vi. Call for records.”

The case of the petitioners is that the petitioners have retired from service and they are entitled for certain terminal benefits and in pursuance of the same, they have also made several representations way back in the year 2021 and also in the year 2022 before the respondents but the same were pending consideration. Aggrieved by the inaction of the respondents, the present writ petition has been filed.

Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioners while making his submission also placed his reliance on a judgment of this Court saying that his case is squarely covered by the same and the same needs to be allowed. Since there is no impugned proceeding or order is under challenged and the respondents since sleeping over the matter without deciding the representations filed by the petitioners which need active consideration of this Court, this Court feels that there should a direction to the respondents to take a decision in this subject matter involved as early as possible.

Accordingly, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider the representations made by the petitioners before the respondents in accordance with law within a period of one month from the date of the receipt of the copy of this order. However, the petitioners are also at liberty to place any other materials or any judgment in support of their claims before a decision is taken by the respondents.

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

JUDGE