

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.515 of 2023**

Bhanu Bibi

Petitioner(s)

Versus

The State of Tripura & 5 Ors.

Respondent(s)

For Petitioner(s) : Mr.K. Nath, Advocate.
Mr. D. Paul, Advocate

For Respondent(s) : Mr.B. Majumder, Dy.S.G.I

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

21.08.2023

Heard Mr. K. Nath, learned counsel along with Mr. D Paul learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, learned Dy. S.G.I and perused the evidence on record.

[2] This is a petition filed under Article 226 of the Constitution of India seeking the following reliefs:-

- I. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/ or any other order/orders shall not be issued whereby directing the respondents to count 50% of the service rendered by the Petitioner w.e.f. 22.11.1999 till her regularization on 22.11.2009 along with the regular service rendered by the Petitioner from 22.11.2009 to 31.01.2023 for determining the qualifying service years rendered by the Petitioner necessary for calculation of pension and other pensionary benefits.*
- II. Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and /or any other order/orders shall not be issued directing the respondents to recalculate the amount of monthly pension and other pensionary benefits including DCR gratuity which became admissible to the petitioner taking into consideration 50% of service rendered by the petitioner as School Mother on fixed pay basis w.e.f 22.11.1999 to 22.11.2009 with her regular service as School Mother w.e.f. 22.11.2009 to 31.01.2023 and pay the arrear amount of pension with interest @ 9% per annum and thereafter to continue the current pension.*

- III. *Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents to pay interest @ 9% on delayed payment of pension and other pensionary benefits.*
- IV. *Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents to pay the amount of gratuity and pensionary benefit which became admissible to the Petitioner on her retirement from service after adding 50% of service rendered by the Petitioner as School Mother on fixed pay basis with her regular service in the post of School Mother for determining the qualifying service of the Petitioner and pay the balance amount after deducting the payment already made with interest @ 9% per annum on the balance amount with effect from the date it became payable till such payment is made.*
- V. *Make the rules absolute.*
- VI. *Call for records.*
- VII. *Pass any further order/orders as this Hon'ble High Court considers fit and proper.*

[3] Without expressing any opinion on the merits of the case and with regard to the entitlement of the petitioner, this Writ Petition is disposed of. Accordingly, the official-respondents are directed to consider the representation dated 27.06.2023 made by the petitioner in accordance with law within a period of 03(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. As a sequel, stay if any stands vacated. Pending application(s), if any also stand disposed of.

JUDGE

Paritosh

DIPAK DAS

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DIPAK DAS
Date: 2023.08.22
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