

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.608 OF 2022**

Bibhu Debi Debbarma and anr.

..... Appellant(s)

Vs.

The State of Tripura and ors.

.....Respondent(s)

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Ms. A. Debbarma, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. Soumyadeep Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 25.04.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Article 226 of the Constitution of India praying for necessary directions upon the respondents to give the petitioners, the benefit of the Old Pension Scheme along with all relevant incidental and ancillary benefits flowing therefrom. The petitioners are seeking directions from the respondents, to the effect, that the petitioners are covered by the Old Pension

Scheme, in view of the fact, that, the advertisement, followed by the selection process for the post of Post Graduate Teacher was completed before 01.07.2018. The offers of appointment were issued to the petitioners before 01.07.2018. The petitioners herein are also seeking for necessary directions for quashing and canceling the memorandum, dated 21.06.2022, issued by the Director of Secondary Education, Government of Tripura. Hence the writ petitioners herein have filed this present writ petition 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 order(s) and/or direction(s) of like nature shall not be issued whereby quashing and cancelling the Memo, dated 21.06.2022, issued by the Director of Secondary Education, Government of Tripura.

ii. Issue Rule upon the Respondents to show cause as to why a writ in the nature of mandamus and/or order(s) and/or direction(s) of like nature shall not be issued whereby directing that the petitioners are covered by the Old Pension Scheme, in view of the fact, that the advertisement, followed by selection process for the post of Post Graduate Teacher was completed before 01.07.2018, and the offers of appointment were issued to the petitioners before 01.07.2018, and their joining happened after 01.07.2018 due to the failure of the respondents to act promptly.

iii. Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order(s) and/or direction(s) of like nature shall not be issued whereby directing the respondents to give the petitioners, the benefit of the Old Pension Scheme along with all relevant incidental and ancillary benefits flowing therefrom.

iv. Issue Rule upon the Respondents to show cause as to why a writ in the nature of mandamus and/or order(s) and/or direction(s) of like nature shall not be issued whereby directing the respondents to treat the petitioners under General Provident Fund, and to open GPF account in favour of each of the petitioners.

AND

Call for the records pertaining to the instant writ petition from the custody of the respondents and to make the rule absolute.

AND

After hearing both the parties pass any order/orders as this Hon'ble High Court considers fit and proper."

2. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioners as well as Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

3. Mr. P. Roy Barman, learned Sr. counsel appearing for the petitioners submits that his clients submitted identical representations seeking benefits of the Old Pension Scheme. But without application of mind, the Director of the Secondary Education, Government of Tripura, vide memo dated 21.06.2022 informed the petitioners that they are not entitled to get the benefits of the Old Pensions Scheme as they had joined their service on or after 01.07.2018. The respondents more particularly, the Director of Secondary Education, Government of Tripura did not consider the ground taken by the petitioners in their representation. No reason has been assigned as to why the contention made by the petitioners cannot be accepted. It has also not been clarified, as to how the petitioners can be deprived of the benefit of the Old Pension Scheme in view of the Order passed by the Hon'ble Apex Court. Learned Sr. counsel further submits that the respondents have acted arbitrarily upon

the petitioners and the action of the respondents is most unfair and arbitrary.

4. Heard both sides and perused the evidence on record. This present writ petition is disposed of with a direction upon the petitioners herein to file separate representations making their respective claims before the respondents and also enclose any other materials in addition to the earlier representation filed if so advised. On the receipt of the same, the respondents shall pass a separate speaking order in respect of the separate representation filed by each petitioner and the same shall be communicated to them. This exercise shall be completed within a period of 3(three) months from the date of receipt of such representation from the petitioners.

5. 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 stands closed.

JUDGE