HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.614 OF 2022

Smt. Malati Urang

…… **Petitioner**(**s**)

Vs.

The State of Tripura and ors.

……. **Respondent**(**s**)

For the Petitioner(s) : Mr. R. Datta, Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. R.G. Chakraborty, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.04.2023.

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. The brief fact of the case of the petitioner herein is that the provisions of payment of the Gratuity Act, 1972 applies to all Anganwadi Workers/Anganwadi Helpers working in Anganwadi centers and as such, the petitioner being an Anganwadi worker is entitled to receive gratuity amounting to Rs.87,120/- along with interest @ 10% per annum w.e.f. 01.05.2021 till the date of payment. But the respondents without any reason failed to release the said

amount of gratuity in favour of the petitioner. According to the petitioner, it is a gross violation of the Judgment passed by the Hon'ble Apex Court. Hence, the petitioner has filed this present petition praying for the following reliefs:-

> *"Issue Rule upon the Respondents to show cause as to why the Respondents should not transmit all records relating to the case of the petitioner;*
>
> *AND*
>
> *As to why a writ in the nature of mandamus should not be issued directing the respondents to release Gratuity amounting to Rs.87,120/- along with interest @ 10% per annum w.e.f. 01.l05.2021 in favour of the petitioner.*
>
> *AND*
>
> *As to why such other order/orders should not be passed so as to give full relief to the petitioner and, upon causes shown to make the Rule absolute."*

2. Heard Mr. R. Datta, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned counsel appearing for the Union-respondents as well as Mr. R.G. Chakraborty, learned counsel appearing for the State-respondents.

3. It is seen from the record that the petitioner through her learned counsel submitted an Advocate notice dated 30.05.2022 before respondents No.2, 5, 6 & 8 and requested to release Gratuity along with interest @ 10% per annum in favour of the petitioner within a period of 7 days from the date of receipt of the copy of the said notice. The said notice was duly received by the respondents and respondent No.8, i.e. the Accountant General(A&E) by a letter vide No.Pen-

2(Legal)/Pleader's Notice/2022-23/19539 dated 04.07.2022 informed that respondent No.8 being the authorizing authority has no jurisdiction to authorize gratuity.

4. In view of such circumstance, this present writ petition disposed of with a direction upon the State-respondents herein to apply their mind independently and pass a speaking order upon the representation made by the petitioner through her Advocate dated 30th May, 2022 within a period of 3(three) months from the date of receipt of the copy of this Order. The petitioner herein is also at liberty to place any materials before the respondents more particularly any judgments by the Courts which are the law of the land.

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.

HIGH COURT OF TRIPURA
सत्यमेव जयते

JUDGE

suhanjit