

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.668 of 2022**

For Petitioner(s)	:	None.
For Respondent(s)	:	Mr. D. Bhattacharya, G.A. Mr. S. Saha, Adv.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

24.02.2023

Heard Mr. D. Bhattacharya, learned G.A. appearing for the respondents. Request have been made on behalf of Mr. D.K. Daschoudhury, learned counsel for the petitioner, who is not present in the court today due to some personal difficulty.

2. The case of the petitioner is that the respondent No.4 was working as Amin in the permanent establishment of the Directorate of Settlement and Land Records, Government of Tripura, the respondent No.2. Prior to his retirement, he was transferred to the establishment of the respondent No.3. The respondent No.4 has retired from service on superannuation on 28.02.2020 from the Office of the respondent No.3. The respondent No.4 was entitled to get pension, gratuity and other pensionary benefits as per provisions of the Central Civil Services (Pension) Rules, 1972 as adapted by the State of Tripura. The respondent No.3, being the Head of Office/DDO was under obligation to initiate all processes for payment of pension and other pensionary benefits to the respondent No.4 by inclusion of

the name of the petitioner as the family pensioner being valid wife of the respondent No.4.

3. Since 1996 the petitioner and the respondent No.4 has been living separately and as the latter was neglecting to maintain the person of the petitioner and her minor daughter Sangita, the petitioner applied for maintenance before the Chief Judicial Magistrate, Udaipur who was kind enough to grant maintenance of Rs.500/- for the petitioner and Rs.300/- per month for the minor daughter per month by passing an order dated 09.12.1996 in Crl. Misc.16 of 1996. The said amount was enhanced to Rs.5000/- per month by the learned Judge, Family Court, Udaipur by an order dated 03.04.2013. the amount of maintenances was paid by way of deduction from salary of the respondent No.4 crediting to the bank account of the petitioner. The petitioner could learn that the respondent No.4 recorded his nephew Sri Prasanta Majumder as nominee in his salary bank account instead of the petitioner or his daughter Smt. Sangita Majumder.

4. Apprehending that the respondent No.4 has not included the petitioner as his valid wife in his service record, the petitioner has made a representation to the respondents No.2 and 3 for inclusion of the name of the petitioner in the service book of the respondent No.4 and also to take appropriate steps for grant of pension and other pensionary benefits to the respondent No.4.

5. The Finance Department, Government of Tripura vide notification dated 20.02.2007 has adopted the scheme of the Government of

India, Ministry of Finance, Department of Expenditure communicated vide office memorandum dated 09.06.2005 wherein it was categorically mentioned that the payment of pension should be made through Authorized Banks and the pension to be credited to joint Bank Account operated by a pensioner with his or her spouse. So, in adherence to the said instructions of the Government of India as adopted by the Government of Tripura, a bank account was required to be opened in the joint names of the respondent No.4 and the petitioner. But unfortunately, no such bank account in joint names of the petitioner and the respondent has yet been opened.

6. On receipt of the said representation of the petitioner, the respondent No.2 send it to the respondent No.3 for taking necessary steps under his communication dated 20.02.2020. Although, the respondent No.3 heard the petitioner on 05.03.2020 but the petitioner has been communicated nothing as to the steps taken by him to redress the grievance of the petitioner.

7. Having heard the counsel, this court directed the respondents to communicate the decision in pursuance of the hearing dated 05.03.2020 to the petitioner as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order.

In terms of the above, the present writ petition is disposed of.

CHIEF JUSTICE (ACTING)