

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 581 of 2023

Smt. Pratima Bhowmik and 3 others Petitioner(s)

Versus

State of Tripura and 3 others Respondent(s)

For Petitioner(s) : Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

14.09.2023

This is a petition under Article 226 of the Constitution of India filed by the petitioner.

[2] The petitioner has approached this court 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 cause full & final payment of gratuity admissible to Madhu Bhushan Bhowmik, Bimal Debnath, Malan Kr. Tripura & Raben Sarkar to their respective legal heirs represented by the Petitioners herein, in terms of the Payment of Gratuity Act, 1972.

(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 @ 9% per annum on the principal amount of gratuity admissible to Madhu Bhushan Bhowmik, Bimal Debnath, Malan Kr. Tripura & Raben Sarkar for delayed payment w.e.f. the date when such gratuity became payable till the date of actual payment, to their respective legal heirs represented by the Petitioners herein.

(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 sanction & release leave encashment benefit for the respective unspent & earned leave of Madhu Bhushan Bhowmik, Bimal Debnath, Malan Kr Tripura & Raben Sarkar along with interest thereon @ 9% per annum w.e.f. the date when such leave encashment benefit became payable till the date such payment is made, to their respective legal heirs represented by the Petitioners herein.

[3] Heard learned counsel appearing for the parties.

[4] All the petitioners in the instant petition are the widows of the deceased employees and it is their case that their husbands died while rendering their services and they are entitled for gratuity and leave encashment. In this regard, the petitioners have made separate requests before the respondent(s) on 1, July, 2022, 21.06.2022, 18.11.2022, 30.12.2022 and the matter is pending before the respondent(s).

[5] In view of the above, without expressing any opinion on merits of this case, the present writ petition stands disposed of directing the concerned respondent(s) to consider the case of the petitioners in the light of their requests mentioned above in accordance with law as expeditiously as possible preferably within a period of 3(three) months from the date of receipt of the copy of this order. Petitioners are at liberty to place any other materials in support of their claim to the respondent(s).

[6] Accordingly, present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE



Sabyasachi G.

SABYASACHI GHOSH

Digitally signed by SABYASACHI GHOSH
Date: 2023.09.15 13:05:28 +05'30'