

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 608 of 2023

Rama Laskar Choudhury

---Petitioner(s)

Versus

The State of Tripura and 3 Others

---Respondent(s)

For Petitioner(s)	: Mr. P Roy Barman, Sr. Advocate.
	Mr. K. Nath, Advocate.
For Respondent(s)	: Mr. D. Sarkar, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

25.09.2023.

Heard learned counsel for the parties.

Mr. D. Sarkar, learned counsel appears for the respondents No.1 & 2.

This is an application under Article 226 of the Constitution of India seeking following reliefs:

- (i) *Issue Rule calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioner'*
- (ii) *Issue rule calling upon the respondents and each one of them to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them (more particularly, the respondent No.3) to count half of the continuous service period, as rendered by the petitioner (on no work no pay basis) under the Tripura State Legal Services Authority, for the purpose of Pension and thereupon to grant pension and other post retiral benefits in favour of the petitioner.*
- (iii) *Call for records appertaining to this Writ Petition'*
- (iv) *After hearing the parties, be pleased to make the Rule absolute in terms of (i) and (ii) above;*
- (v) *Costs of and incidental to this proceeding*
- (vi) *Any other Relief(s) as to this Hon'ble High Court may deem fit and proper.*

It is the case of the petitioner that from 08.12.2004 to 16.05.2012, the petitioner had worked for a total period of 7 ½ years (on no work no pay basis), but on full time basis, as Legal Service Worker Grade-II and subsequently as Service Worker Grade-I under the Tripura State Legal Services Authority (TSLSA). On 16.05.2012, the petitioner resigned from her said service under TSLSA. On 17.05.2012, the petitioner joined as UDC, under Lokayukta, Tripura, on fixed pay basis. On completion of 5 years of service, the petitioner was regularized w.e.f. 17.05.2017. After serving for a total period of 9 years & 8 months in the Lokayukta Tripura, on attaining the age of superannuation, the petitioner proceeded to retirement 31.01.2022. Due to shortage of only 4 months for qualifying service of 10 years, the petitioner neither received pension nor other post retiral benefits. Situated thus, the petitioner submitted representations dated 18.01.2023 & 28.06.2023 praying for counting half of the service period, as Memorandum dated 25.02.2010 half of the period is to be counted towards pension. The petitioner served a Statutory Notice dated 05.07.2023 upon the respondents seeking release of pension and post retiral benefits. But, the petitioner was deprived thereof. Aggrieved thereby, the petitioner has approached this Court for seeking reliefs.

Without expressing any opinion on the merits of the case, the respondent No. 3 is directed to consider the case of the petitioner, in the light of the representations dated 18.01.2023 and 28.06.2023. It is needless to mention here that the respondent

No.3 is to consider the case of the petitioner within a period of three months from the date of receipt of copy of this order in accordance with law.

In view of the above, the instant writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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