

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
WP(C) No.730 of 2022

Smt. Purnima Saha

.....Petitioner(s)

V E R S U S

The State of Tripura and others.

..... Respondent(s)

For Petitioner(s) : Mr. H. Sarkar, Advocate,
Mr. A. Baidya, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

ORDER

24.02.2023

Heard Mr. H. Sarkar, learned counsel assisted by Mr. A. Baidya learned counsel appearing for the petitioner and also heard Mr. Mangal Debbarma, learned Additional Government Advocate appearing for the respondent-State.

[2] The present writ petition has been filed by the petitioner under Section 226 of the Constitution of India directing the respondents to consider the case of the petitioner on compassionate ground under the die-in-harness scheme.

[3] Brief facts, in a nutshell, are that Bijoy Saha was employed with the respondent No.2 who died while in service on 08.08.2018. After his death, Smt. Purnima Saha, petitioner herein submitted an application dated 02.02.2019 before the respondents seeking employment under the

die-in-harness scheme on compassionate grounds. The said application was rejected by the respondents holding that since the petitioner is married and is not legally separated from her spouse, she cannot seek employment under the die-in-harness scheme.

[4] Being aggrieved and dissatisfied with the action of the respondents, the petitioner filed this writ petition seeking the following relief :

“(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, for calling for the records, lying with the respondents, for rendering substantial 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, for mandating/directing the respondents to appoint the petitioner under the die in-harness scheme.

(iii) Call for the records appertaining to this petition;

(iv) After hearing the parties, be pleased to make the Rule absolute in terms of i. & ii. above.

(v) Costs of incidental to this proceeding;

(vi) Any other relief(s) as to his Hon’ble High Court may deem fit and proper.”

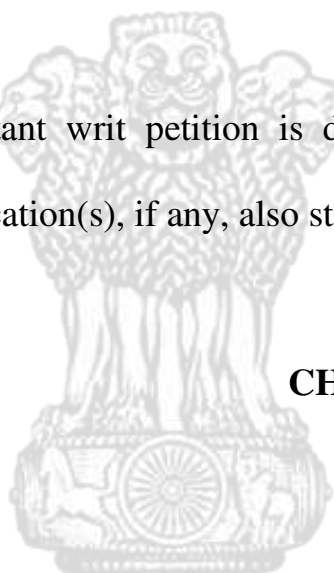
[5] Mr. H. Sarkar, learned counsel for the petitioner contends that after the death of Bijoy Saha, the petitioner submitted an application dated 02.02.2019 enclosing all documents with a prayer for providing employment under die-in-harness scheme but that was not considered by the respondents. He further contends that the new scheme formulated by the Government is not applicable to them and the respondents had rejected the prayer of the petitioner in terms of the new scheme vide Notification dated 02.03.2019. On the other hand, Mr. Mangal Debbarma,

learned Additional Government Advocate fairly contends that the case may be decided, in accordance with law.

[6] After hearing learned counsel for the respective parties, the instant writ petition is disposed of directing the respondents to consider the case of the petitioner under the die-in-harness scheme, in accordance with law with regard to the application made on 02.02.2019 which is already forwarded by the Sub-Divisional Forest Officer on 05.02.2019 within a period of 3(three) months from the date of receipt of copy of this order, if not already decided.

[7] The instant writ petition is disposed of with the aforesaid terms. Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)



सत्यमेव जयते

Dipesh