

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 645 of 2023

Dr. Prasanta Kumar

---Petitioner(s)

Versus

The State of Tripura and 3 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. P Roy Barman, Sr. Advocate. Mr. Koomar Chakraborty, Advocate.
For Respondent(s)	: Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

09.10.2023

Heard learned counsel for the parties.

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 Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned Note Nos.9, 12, 14, 19 & 21 to the RTI reply dated 18.10.2017 whereby the Finance Department, Government of Tripura has expressed its inability to concur with the proposal for introduction of pension, for the employees of the Tripura Tribal Welfare Residential Educational Institutions Society*
- (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, to adopt the CCS (Pension) Rules, 1972 and introduce pension for the employees of the Tripura Tribal Welfare Residential Educational Institutions Society (including the petitioner) and thereupon grant regular monthly pension, in favour of the petitioner, alongwith arrears thereof with effect from the date of his retirement (i.e. 31.10.2022)*
- (iii) *Call for the 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 on 24.12.2002, the petitioner had joined to the post of Principal at Eklavya Model

Residential School, TTWREIS, under the Tribal Welfare Department, Government of Tripura. On attaining the age of superannuation, the petitioner retired from service on 31.10.2022. Vide a Departmental Note No.2 dated 09.02.2011, it was stated that the Board of Governors of TTWREIS, in its 7th meeting has approved the proposal for adoption of Tripura State Civil Services (Pension) Rule, 2009 for the employees of TTWREIS. From time to time, vide several notes dated 14.08.2017, 25.07.2016, 09.05.2012, 16.08.2011 & 13.06.2011, the Finance Department, Government of Tripura expressed its inability to concur with the proposal for introduction of pension, among the employees of TTWREIS. Being aggrieved by non-grant of regular monthly pension, the petitioner submitted a representation dated 21.06.2023 inter alia stating that the Board of Governors, TTWREIS is the competent authority to take the decision, and they have already decided to introduce pension among its employees, and further the entire expenditure therefore would be borne by the Ministry of Tribal Affairs, Government of India, under Article 275(1) of the Constitution of India and hence the same would have no financial implication or burden upon the State Exchequer. Thereupon, the petitioner requested the respondents to release regular monthly pension, in his favour. But the same neither fetched any response nor any step has been taken by the respondents to release the same. Aggrieved by the said action of the respondents, the petitioner has approached this court for seeking relief.

In view of the said submission, without any expressing any opinion on the merits of the case, the present case is disposed of directing the respondent No.2 to consider the case of the petitioner in accordance with law in the light of the representation dated 21.06.2023

submitted by the petitioner within a period of three months from the date of the receipt of the copy of this order.

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

Dipak

DIPAK DAS Digitally signed by
DIPAK DAS
Date: 2023.10.10
16:22:45 +05'30'

