

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.782 OF 2022**

Sri Apuraba Chakraborty
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mrs. R. Chakraborty, Advocate.
For the Respondent(s) : Mr. B. Majumder, Deputy Sgi.
Mr. D.C. Saha, Advocate.

17.03.2023

Order

The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the 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 for directing them, to transmit the records, relevant to the subject matter of this writ petition 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 for mandating/directing the respondents, to forthwith re-fix the pay of the petitioner, with effect from the date of his joining, and thereupon, grant pension & all other retiral benefits in favour of the petitioner and release of the balance gratuity amount, in his favour;

(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. to ii. above;

(v) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;"

Since the terminal benefits as per the entitlement of the petitioner were not paid, the petitioner has moved to the office of the respondents. Thereafter, the Senior Accounts Officer issued a letter to the Executive Engineer(West) dated 13.06.2022, so as to review the matter of the petitioner in regard to the pension, and that the pension has already been authorized based on the last pay of Rs.1,35,000/- as per the office Calculation. Since the same is not acted upon by the respondents the present writ petition has been filed by the petitioner herein.

Heard Ms. R, Chakraborty, learned counsel appearing for Mr. S. Deb, learned Sr. counsel for the petitioner as well as Mr. B. Majumder, Deputy SGI, and Mr. D.C. Saha, learned counsel appearing for the respondents.

Without expressing any opinion on the merits of the case, this writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the recommendation made by the Senior Accounts Officer to the Executive Engineer(West) dated 13.06.2022. The petitioner is at liberty to file any further documents in support of his claim before the respondents if so advised. The decision shall be taken by the respondents within a period of 2(two) months from the date of receipt of the copy of this order.

With the above observation and direction, this instant writ petition stands disposed of. Stay if any stands vacated, pending application(s), if any also stands closed.

CHIEF JUSTICE (ACTING)

suhanjit

