

HIGH COURT OF TRIPURA

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WP(C) No.748 of 2021

For Petitioner(s)	:	Mr. T. D. Majumder, Sr. Advocate. Mr. T. Halam, Advocate.
For Respondent(s)	:	Mr. D. Sarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

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20/03/2023

Heard Mr. T. D. Majumder, learned senior counsel assisted by Mr. T. Halam, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioner has prayed for the following reliefs:

- i. Issue notice upon the respondents to show cause as to why a writ in the nature of mandamus or like nature shall not be issued mandating respondents and each one of them to count 17 years 1 month 11 days service as spent on consolidated fixed pay basis in the Govt. Dept. for the purpose of qualifying service for pension and pensionary benefits.
- ii. Issue notice upon the respondents to show cause as to why a writ in the nature of certiorari or like nature shall not be issued directing them to produce all the records, relevant to the subject matter of the writ proceedings before the Hon'ble Court for rendering conscionable justice to set aside the decision of the Govt. not to count the period rendered by the petitioner as fixed pay basis as qualifying service for grant of pension and pensionary benefits.
- iii. Issue notice upon the respondents to show cause as to why they or each of them shall not be directed to re-send revised proposal for pension to the AG after counting the period w.e.f. 19.07.1990 to 30.09.2007 with the regular service for according pension and pensionary benefits including gratuity.
- iv. Rule be made absolute in terms of prayer No.(i), (ii) (iii)."

The case of the petitioner is that the petitioner was appointed as School Mother under the respondent on 19.07.1990. She had worked continuously and went on retirement on 29.02.2020. While getting pension through PPO she could find that her entire period of service was not counted towards qualifying service as such she got less pension than admissible. Her service w.e.f. 01.10.2007-29.02.2020 was only counted though she had served

since 19.07.1990. Thereby, she was deprived of her right to property for rendering 29 years of service as School Mother.

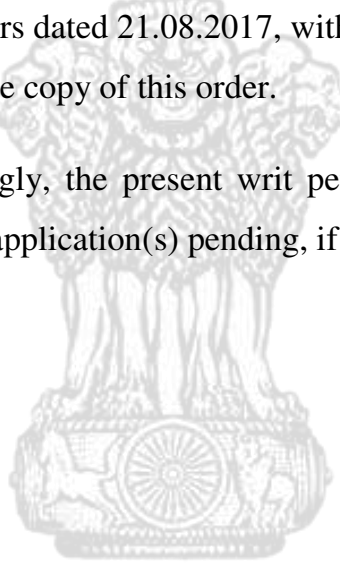
Similarly situated School Mothers in the same department were favoured counting fixed-pay period service before regularization with the regular service for pension and pensionary benefit and as such they got higher pension and petitioner was discriminated. Hence, she has filed this petition for directing the respondents to count her service on fixed pay basis for qualifying service and the benefits accruing thereof.

In view of above, without expressing any opinion on merits, the present petition stands disposed of directing the respondents to consider the representation dated 20.03.2021 made by the petitioner in accordance with law more particularly, in the light of the judgment passed by this Court in WP(C) No.853 of 2017 & others dated 21.08.2017, within a period of two months from the date of receipt of the copy of this order.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)

A. Ghosh



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