

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.723 of 2023

Smt. Piyali Mallik

....Petitioner(s)

Versus

The State of Tripura and 5 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. S. Bhattacharjee, Advocate Mr. J. Murasing, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

08/12/2023

Heard Mr. S. Bhattacharjee and Mr. J. Murasing, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

In terms of the order dated 06.12.2023, learned GA has obtained instructions. He has referred to a notification dated 02.03.2019 issued by GA(P&T) supported by a communication dated 15.05.2023 issued by Deputy Secretary to the Government of Tripura, Home Department(Annexure-10 to the writ petition) wherein it was envisaged that a "No Objection Certificate" is necessary for seeking compassionate appointment under Die-in-harness scheme.

As such, with the consent of the learned counsel appearing for the parties, I have taken up the matter for final disposal considering the nature and character of the issue.

In the instant case, the husband of the petitioner, namely Lt. Satyajit Mallik died in harness on 27.11.2021. Due to his sudden death, the family had faced serious financial crunch and to overcome the financial crisis, the wife of Lt. Satyajit Mallik, the petitioner herein has filed a representation to the competent authority for compassionate appointment under Die-in-harness scheme. The competent authority found the petitioner eligible for compassionate appointment. Only vide communication dated 15.05.2023, the respondents-State through Deputy Secretary of the Home Department

communicated the Director General of Police, Tripura, Agartala to ask the petitioner to furnish “No Objection Certificate” from her mother-in-law.

It is stated in the writ petition that the mother-in-law has refused to give “No Objection Certificate” in favour of the petitioner, who admittedly is the wife of her son, Lt. Satyajit Mallik.

It is undisputed that the mother-in-law of the petitioner, though, is the legal heir of her son under Hindu Succession Act, but she being aged more than 66 years is not entitled to get appointment. Non-issuance of such “No Objection Certificate” by the mother-in-law compelled the petitioner to approach this Court by way of filing the present writ petition.

I have heard learned counsel appearing for the parties.

According to me, when it is admitted position that a lady of 66 years is not eligible to get compassionate appointment, in this situation, her unwillingness to give “No Objection Certificate” should not come in the way of getting compassionate appointment under the Die-in-harness scheme by an eligible wife of her deceased husband. It will be unreasonable, particularly, when her eligibility is not challenged by the government.

Considering the peculiar nature of the case, the requirement of furnishing “No Objection Certificate” by the mother-in-law of the petitioner should not be a ground to reject the appointment of the petitioner and necessary direction should be passed in favour of the petitioner for her compassionate appointment under the Die-in-harness scheme.

Learned GA appearing for the respondents-State has fairly submitted that there is no other impediment in extending compassionate appointment to the petitioner. Learned GA has further submitted that the respondents could not issue appointment letter in favour of the petitioner only due to non-furnishing of “No Objection Certificate” as required under communication dated 15.05.2023.

As I already observed that in the peculiar nature of the case “No Objection Certificate” is not at all required. However, this observation of mine is only limited and restricted to the present case and it would not have any bearing upon other cases of compassionate appointment under the Die-in-harness scheme.

For the reasons stated and observations made above here-in-above, I direct the respondents to issue appointment letter in favour of the petitioner, Smt. Piyali Mallik, wife of Lt. Satyajit Mallik observing all formalities on or before 1st January, 2024.

With the aforesaid observations and directions, the present writ petition stands allowed and thus, disposed of.

JUDGE

Snigdha

SANJAY GHOSH
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