

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.976/2022

Sri Soumya Acharjee

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. D.C. Roy, Advocate,
Mr. A.K. Pal, Advocate.

For Respondent(s) : Mr. Dipankar Sarma, Addl. G.A.,
Mr. Arijit Bhaumik, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

10/03/2023

Heard Mr. A.K. Pal, learned counsel appearing for the petitioner. Also heard Mr. Dipankar Sarma, learned Addl. Government Advocate appearing for the respondents No.1 to 3 and Mr. Arijit Bhaumik, learned counsel appearing for the respondent No.4.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to provide a job to the petitioner under the Die-in-harness scheme.

3. The case of the petitioner, in brief, is that the father of the petitioner who was an employee under Agartala Municipal Corporation in the capacity of Multi Purpose Supervisor died on 25.06.2014 while in

service. On the demise of his father, the petitioner after obtaining the survival certificate applied to the respondent-authorities for getting a job under the die-in-harness scheme. But the respondents despite several representations from the petitioner did not provide any job to him. Aggrieved thereby, the petitioner filed this writ petition seeking a job under the Die-in-harness scheme. Hence, this case.

4. Petitioner has prayed for the following reliefs:

- "(i) Admit the writ petition of the petitioner;
- (ii) Issue notice upon the respondents;
- (iii) Call for the relevant records from the custody of the respondents;
- (iv) After hearing the parties Your Lordship would be kind enough to consider the above facts of the writ petition and Your Lordship would be kind enough to direct the respondents to provide a job to the petitioner under die in harness scheme for fair ends of justice.

AND

- (v) To pass any other order/orders as deems fit and proper."

5. Mr. A.K. Pal, learned counsel appearing for the petitioner, contends that pursuant to the death of his father the petitioner, who was aged about 24 years, became entitled to the benefit under die-in-harness scheme for getting a suitable job befitting to his qualification having passed the Madhyamik Examination. Counsel also contends that after

the demise of his father, the petitioner along with his mother has been suffering from financial hardship. Counsel further contends that in spite of having required educational qualification, the respondent-authorities deprived the petitioner from getting a suitable job under the die-in-harness scheme. Accordingly, he prays for a direction to the respondents to consider the case of the petitioner on compassionate ground and to provide him a job as per his qualification under the said scheme.

On the other hand, Mr. Arijit Bhaumik, learned counsel appearing for the respondent No.4-Agartala Municipal Corporation, in rebuttal, referring to the communication dated 26.09.2018 (Annexure-1 to the writ petition) contends that die-in-harness scheme does not apply to the employees of Agartala Municipal Corporation and accordingly, prays for dismissal of the writ petition.

6. It is seen from the record that way back in the year 2018 the request made on behalf of the petitioner by his mother with regard to providing appointment under die-in-harness scheme had already been rejected by the Agartala Municipal Corporation referring to the letter dated 30.03.2012 of the Government and the said decision which has been communicated on 26.09.2018 is not under challenge. Originally the application under the said scheme was filed by Smti. Rama Acharjee, the wife of the deceased and now the present writ petition is filed by Sri

Soumya Acharjee, the son of the deceased (petitioner herein) and it is needless to say that the appointment on compassionate ground (die-in-harness scheme) needs to be availed immediately but not at a prolonged time. Moreover, the petitioner has not challenged the communication dated 26.09.2018 either.

7. In view of above, the writ petition stands dismissed.
Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak

