

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.844 of 2020**

Tripura Jute Mills Officers Association and Others

.....Petitioner(s)

Versus

State of Tripura and Others

.....Respondent(s)

For Petitioner(s) : Ms. R. Purakayastha, Adv.

For Respondent(s) : Mr. D. Bhattacharya, G.A.

Mr. B. Majumder, CGC.

Mr. A. Bhowmik, Adv.

Mr. R. Datta, Adv.

Mr. T. Debbarma, Adv.

Mr. K. Chakraborty, Adv.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

10.03.2023

Heard Ms. R. Purakayastha, learned counsel appearing for the petitioners as well as Mr. D. Bhattacharya, learned G.A. appearing for the State-respondents, Mr. R. Datta, learned counsel appearing for the respondents No.7 and 10, Mr. K. Chakraborty, learned counsel appearing for the respondent No.9, Mr. A. Bhowmik, learned counsel appearing for the respondent No.8, Mr. B. Majumder, learned CGC appearing for the respondent No.13.

2. The present writ petition is filed seeking for the following reliefs :

I. Issue Rule calling upon the respondents to show cause as to why a writ of mandamus shall not be issued to adopt policy

decision and the corresponding necessary steps for providing regular pension to the petitioners as well as the Members of the Tripura Jute Mills Officers Association as per provision of the Central Civil Services (Pension) Rules, 1972/ Tripura State Civil Services (Pension) Rules instead of providing pension under EPS 1995 with effect from the date of their retirement, along with 9% interest, at par the employees of other Autonomous Bodies/Statutory Bodies/Constitutional Bodies of Government of Tripura which have been made pensionable establishment of the State of Tripura as well as similarly situated officers/employees of the Tripura Jute Mills Limited itself (impleaded as proforma Respondents) provided with regular government pension for fair ends of justice;

II. Issue Rule calling upon the Respondents to show cause as to why a writ of mandamus shall not be issued to quash set/aside the policy decision, if any, taken by the Respondents declining the benefit of pension to the petitioners as per provision of the Central Civil Services (Pension) Rules, 1972/Tripura State Civil Services(Pension) Rules;

III. Call for the records appertaining to this petition;

IV. After hearing the parties, be pleased to make the rule absolute in terms of the 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;

3. Though the pleadings are completed and the matter is now come up for final hearing, prima facie this court is of the opinion that since there is no impugned order and the legal notice which have been issued by the petitioners with regard to the settlement of the pensionary benefit on the strength of the legal position they have relied, the respondents have not taken any decision. Hence, without expressing any opinion on merits, the respondents are directed to consider the case of the petitioners in accordance with law within a period of three months from the date of receipt of a copy of this order.

The petitioners are at liberty to make any further representation enclosing any such materials in support of their claims before the respondents. It is made further clear that before taking a decision, if

required, the respondents are at liberty to give the petitioners an opportunity of personal hearing.

In terms of the above, the present writ petition is disposed of.

CHIEF JUSTICE (ACTING)

