

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.985 OF 2022**

Sri Suresh Harizan

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent(s)**

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Ms. N. Ghosh, Advocate.

For the Respondent(s) : Mr. P. Gautam, Advocate.
Mr. D. Sharma, Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 16.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Article
226 of the Constitution of India seeking the following reliefs:-

i. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the respondents to determine the retirement date of the petitioner as 31.05.2022 instead of 31.03.2019, according to the Standing Medical Board Examination Report, dated, 15.07.2002.

ii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the respondents to determine the gratuity of the petitioner after taking into account the actual last basic pay of the petitioner i.e., (Rs.37,600/- + 1128/-)= Rs.38,728/-.

iii. Issue Rule upon the Respondents to show cause as to why writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the respondents to provide the leave encashment benefit to the petitioner after taking into account the actual last basic pay of the petitioner i.e., (Rs.37,600+1128/-)= Rs.38,728/-.

iv. Issue Rule upon the respondents to show cause as to why writ in the nature of mandamus and/or Order or direction shall not be

issued whereby directing the Respondents to provide all the retirement benefits to the petitioner as per his actual retirement date i.e. 31.05.2022, with interest @ 9% per annum w.e.f. the date on which gratuity became payable till the date of actual payment.

v. Issue Rule upon the Respondents to show cause as to why Writ in the nature of Mandamus and/or Order or direction shall not be issued whereby directing the respondents to provide to the petitioner the salary which is due for 2 months i.e., April 2022 & May, 2022.

vi. Make the rules absolute.

vii. Call for the records.

viii. Pass any further order/orders as this Hon'ble High Court considered fit and proper."

2. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Ms. N. Ghosh, learned counsel appearing for the petitioner as well as P. Gautam, learned counsel appearing for the respondents-TJML and Mr. D. Sharma, learned Addl. G.A. appearing for the State-respondent.

3. It is seen from the record that a legal notice dated 08.09.2022 has been issued on behalf of the petitioner herein by his learned Advocate demanding the relief as claimed by the petitioner herein. But the said legal notice is still pending till date. In view of the same, without expressing any opinion on its merit, this present writ petition is disposed of with a direction upon the respondents to consider the case of the petitioner in accordance with law within a period of 2(two) months from the date of receipt of the copy of this order.

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

JUDGE