

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.1034/2022

Smt. Bishakha Das

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.,
Mr. A. Bhattacharjee, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

10/03/2023

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. Government Advocate appearing for the respondent-State and Mr. A. Bhattacharjee, learned counsel appearing for the respondents-Corporation.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to make full and final payment of gratuity with interest @ 9% per annum along with leave encashment and pay fixation benefits.

3. The case of the petitioner, in brief, is that the petitioner joined service on 06.10.1982 as LDC in the office of Tripura Handloom

and Handicrafts Development Corporation Limited (THHDCL, for short) and retired on superannuation on 30.05.2022. Upon her retirement, the petitioner is entitled to gratuity as well as leave salary and also she is entitled to arrear of pay fixation notionally w.e.f. 01.10.2018. Thereafter, vide sanction memo dated 05.07.2022, the Managing Director, THHDCL sanctioned Rs.10,00,000/- for payment of gratuity to the petitioner. But the petitioner was not given the balance amount of gratuity as per ceiling limit of Rs.20,00,000/- along with her leave salary and arrear of pay fixation. Accordingly, the petitioner submitted two representations dated 27.07.2022 and 01.11.2022 respectively requesting the Managing Director, THHDCL to release her aforesaid entitlements but till date the same has not been released in her favour. Aggrieved thereby, the petitioner has approached this Court by filing this writ petition. Hence, this case.

4. Petitioner has prayed for the following reliefs:

"(i) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/ orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to make full and final payment of Gratuity (Rs.6,75,730/-) with interest @ 9% p.a. to the Petitioner, w.e.f. the date on which the gratuity becomes payable till the date of

payment after adjusting lump sum amount of Rs.10,00,000/-.

(ii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to give leave encashment benefit to the Petitioner with interest @ 9% in terms of the memorandum, dated, 06.08.2022, issued by the Managing Director, THHDCL, w.e.f. one month after retirement till payment is made.

(iii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to release 3rd arrear of pay fixation to the Petitioner in terms of the Memo, dated, 16.08.2019 issued by the Managing Director, THHDCL, which became admissible on behalf of the Petitioner.

(iv) Make the rules absolute.

(v) Call for records.

(vi) Pass any further order/orders as this Hon'ble High Court considered fit and proper.”

5. Ms. A. Debbarma, learned counsel appearing for the petitioner, contends that though upon her superannuation on 30.05.2022 the petitioner was entitled to gratuity, leave salary and also arrear of pay fixation, but till date the respondents-Corporation has not released the aforesaid entitlements in favour of the petitioner despite her

representations dated 27.07.2022 and 01.11.2022. Accordingly, she prays for a direction to the respondents to make full and final payment of gratuity with interest @ 9% per annum along with leave encashment and pay fixation benefits.

On the other hand, Mr. A. Bhattacharjee, learned counsel appearing for the respondents-THHDCL, in rebuttal, contends that the respondents-Corporation has released some of the retiral benefits in favour of the petitioner and prays to pass orders in accordance with law.

6. Having heard the submissions of learned counsel of respective parties, the present writ petition is disposed of directing the respondents to consider the representations filed by the petitioner on 27.07.2022 and 01.11.2022 with regard to settlement of the terminal benefits entitled to by the petitioner within a period of two months from the date of receipt of the copy of this order. The petitioner further, if so aggrieved, is at liberty to challenge the same.

7. With the above observation, the writ petition is disposed of.
Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak