

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 23 of 2024**

Smt. Mina Deb

.....Petitioner(s).

Versus

State of Tripura and others

.....Respondent(s).

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. A. Dey, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

04.07.2024

This writ petition is filed under Article 226 of the Constitution of India without challenging any impugned order or action of the respondents. By filing this petition, following reliefs have been sought for:

"i) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to count 50% of the service rendered by the Petitioner w.e.f. 31.12.1987 till her regularization on 01.02.2011 along with the regular service rendered by the Petitioner from 01.02.2011 to 31.01.2020 for determining the qualifying service years rendered by the Petitioner necessary for calculation of pension and other pensionary benefits.

ii) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to recalculate the amount of monthly pension and other pensionary benefits including DCR Garranty which became admissible to the petitioner taking into consideration 50% of service rendered by the Petitioner as Contingent Clerk w.e.f. 31.12.1987 to 01.02.2011 with her Regular service as LDC w.e.f. 01.02.2011 to 31.01.2020 and pay the arrear amount of pension with interest @9% per annum and thereafter to continue the current pension.

iii) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to pay interest @9% on delayed payment of pension and other pensionary benefits.

iv) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to pay the amount of gratuity and pensionary benefit which became admissible to the Petitioner on her retirement from service after adding 50% of service rendered by the Petitioner as Contingent Clerk with her regular service in the post of LDC for determining the qualifying service of the Petitioner and pay the balance amount after deducting the payment already made with interest @ 9% per annum on the balance amount with effect from the date it became payable till such payment is made.

v) Make the rules absolute.

vi) Call for records....."

[2] Heard learned counsel appearing for the parties. Perused the record.

[3] It is seen from record that on 28.11.2023, the petitioner submitted one representation before the respondent concerned seeking for re-computation of service, entitlement of remaining gratuity and other pensionary benefits in terms of the demand. But, till date, the said representation of the petitioner has been kept pending before the respondent concerned. During the course of proceeding, though the counter-affidavit is filed by the respondents and contentions are levelled against each other on their respective pleadings, this Court is not inclined to go into the contents of the counter-affidavit. At this juncture, since there is no impugned order under challenge, this Court cannot issue mandamus under Article 226 of the Constitution of India.

Thus, without going into the merits of the case, this Court is of the view that ends of justice would be met if the respondents concerned are directed to consider the case of the petitioner in the light of her representation dated 28.11.2023 and to pass a reasoned order in accordance with law as expeditiously as possible preferably within a period of two months from the date of receipt of the copy of this order. Accordingly, the same is ordered.

It is needful to say that in the event, if any decision is made, it will be open for the petitioner to avail remedies under law.

With the above direction, the present writ petition is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

JUDGE