

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 58 of 2024

1. Niyati Rani Roy, CO- Monaranjan Das, R/O- Jagahari Mura Kalibari, P/O Collagetilla, P/S-West Agartala, Tripura.
2. Biplabi Saha, W/O- Bidhubushan Saha, R/O- Gomati Tripura, P/O- Gokulpur, Tripura.
3. Jirmani Marak, W/O-Mirendra Marak, R/O- South Tripura.
4. Nabami Marak, W/O-Sunirmal Marak, R/O- Hatipara Chandrapur, Dist- Gomati.
5. Anima Dey Bhatta, C/O- Binoy Krishna Bhatta, R/O- North Kashipur, P/O- Rasham Bagan.
6. Mamata Sarkar, C/O-Lt. Lalu Sarkar, R/O- Rajnagar, P/O- Agartala, Tripura.
7. Sita Rani Debnath, C/O- Lt. Upendra Debnath, R/O- West Ratacharra, Unakoti Tripura.
8. Kalpana Das, C/O- Amalya Das, R/O- Dumduma Das para, P/O- Sabroom, P/S- Sabroom, Pin-7991457.
9. Kalpana Debnath, C/O- Subas Debnath, R/O- Jogendranagar, P/O- Jogendranagar, P/S- West Agartala, Tripura.
10. Mira Roy, W/O- Lt. Nripendra Saha, R/O- Khayerpur Madhya para, P/O- Khayerpur, P/S- Bridhyanagar, Pin- 799008.
11. Gopa Ghatak, W/O- Anil Chandra Ghatak, R/O- Sukantanagar Mani Kanchan Para, P/O- S.B.C. Nagar, Dist- South Tripura.
12. Sadhana Dey, C/O- Narayan Dey, R/O- Bordowali, P/O- A.D. Nagar, P/S- A.D. Nagar, Word No- 40, Agartala, Tripura.
13. Gita Biswas (Debnath), C/O- Mitali Debnath, R/O- Anandanagar, P/S- Srinagar, Agartala, Tripura.
14. Pratima Das, W/O- Lt. Sukhamoy Das, R/O- Kanchan Bari, Unakoti Tripura, Pin-799288.
15. Niva Datta, W/O-unknown R/O-Siddhi Ashram, P/O-Siddhi Ashram, P/S- Amtali, Dist- West Tripura.
16. Minati Biswas, C/O- Satandra Chandra Biswas, R/O- East Badharghat, P/O- Dukli Madhuban, Agartala, Tripura.
17. Mira Rani Sharma, C/O- Shontosh Debnath, R/O- Ichamuya Reshambagan, P/O- Reshambagan, Agartala, Tripura.
18. Purnima Matrak, W/O- Kucha Matrak, R/O- Purbachandrapur, P/S- Udaipur, Tripura.

19. Kalpana Malakar, W/O- Lt. Dhirendra Malakar, R/O- Vill- Nayapattan, P.O- Tilabari, kailashahar, Unakoti Tripura.
20. Mira Malakar, WO- Lt. Bijoy Malakar, R/O- Vill- Kubjar, P.O- Kailashahar, Unakoti Tripura.

..... Petitioner(s)

Vs.

1. The State of Tripura
To be represented by the Secretary, Social Welfare and Social Education, Govt of Tripura, New Secretariat Building. New Capital Complex, Kunjaban, P.S: New Capital Complex, Agartala, West Tripura, PIN: 799010.
2. The Secretary,
Department of Social Welfare and Social Education, Govt of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S: New Capital Complex, Agartala, West Tripura, PIN: 799010.
3. The Secretary,
Department of Finance, Govt. of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S: New Capital Complex, Agartala, West Tripura, PIN: 799010.
4. The Director
Social Welfare and Social Education
Malancha, Ujan Abhoynagar, Agartala, West Tripura.
5. Child Development Project Officer,
Teliamura ICDS Project, Khowai, Tripura.
6. Child Development Project Officer,
Kanchanpur ICDS Project, Kanchanpur, North Tripura.
7. Child Development Project Officer, Satchand ICDS Project, South Tripura.
8. Child Development Project Officer, Kadamtala ICDS Project. North Tripura.
9. Child Development Project Officer, Kumarghat ICDS Project, Unokoti, Tripura.
10. Child Development Project Officer, Jirania ICDS Project, West Tripura.
11. Child Development Project Officer, Ranirbazar ICDS Project, West Tripura.
12. The Union of India,
To be represented by the Secretary, Ministry of Women and Child Development, Govt of India, ShastriyaBhawan, New Delhi.

.....Respondent(s)

For Petitioner (s)	:	Mr. P Roy Barman, Sr. Advocate. Mr. K Nath, Advocate. Mr. D Pal, Advocate.
For Respondent(s)	:	Mr. B Majumder, Dy.SGI. Mr. Kohinoor N Bhattacharjee, GA. Mr. D Sharma, Addl. GA.

WP(C) No. 59 of 2024

1. Anita Roy, C/O- Priya Ranjan Karmakar R/O- Dhaleshwar Kamarpukur par, P.O- Dhaleshwar Kamarpukur par, Agartala, Tripura.
2. Minati Datta, C/O- Shyamal Sengupta, R/O- South Ramnagar P.E.C. Batta, Near Western Club, P/O- Agartala(West Tripura)Pin-799001.
3. Dipali Ghosh, W/O- Bishnupada Ghosh, R/O- Hairmura, P/O-S.D. Mission, Tripura.
4. Sandhya Deb, C/O- Late. Jamini Deb, R/O- Durgachowmuhani, Ramnagar-11 near Rajlaxmi kali mandir Acharjee para, P/S- Ramnagar-6, Agartala, Tripura.
5. Dali Datta, W/O- Ratan Datta, R/O- Milan Sangha (Bordowali), P/O- A.D. Nagar, P/S- A.D. Nagar, Agartala, Tripura.
6. Fulu Rani Dey, C/O- Kalal Chandra Datta, R/O- Anandanagar, P/O- Anandanagar, P/S- Sreenagar, Agartala, Tripura.
7. Ila Chakraborty, C/O- Ratan Chakraborty, R/O- Bardowali Madhya para, P/O- A.D. Nagar, P/S- A.D. Nagar, Agartala, Tripura.
8. Niva Acharjee, D/O- Madhusudhan Acherjee, R/O- Kishnanagar Nazir pukur par P/O- Agartala, pin- 799001.
9. Anju Chowhan, R/O- South Ramnagar P.C. Brick Field, Agartala, West Tripura.
10. Shipra Deb (Lodh), W/O- Niresh Lodh, R/O- Badharghat Matripalli, P/O- A.D. Nagar, Agartala, Tripura, Pin-799003 W-No (46).
11. Mahamaya Chowdhury, D/O- Ramendra Chowddury. R/O- West Joynagarm Dashamighat near Mahabir club, P/O- Agartala, Word No-36, Agartala, Tripura.
12. Gayantri Bhattacharjee, C/O- Late Joytindra Chakraborty R/O- Garjanmura, Word No-1, Gomati Tripura.
13. Shovana Das, C/O- Late Naresh Das, R/O- Rajdhar Nagar, P/O- Jamjuri. P/S- Kakraban, Dist- Gomati Tripura.
14. Rasamati Bhowmik, C/O-Arun Debnath, R/O- South Chandrapur, Ward-2, Gomati Tripura.
15. Kamala Debnath, C/O- Late Sunil Debnath, R/O- South Murapara, Gomati Tripura.

- 16.** Bhanu Saha Shil, C/O---R/O- Balaram Das Para, P/O-Paschim Balaram, P/S-Ambassa, Dist- Dhalai Tripura.
- 17.** Manuara Begam, W/O- Lal Miah, R/O- North Ekchari, P/O- Jatan Bari, P/S- Nutan Bazar, Dist- Gomati, Tripura.
- 18.** Siuli Das (Sarkar), C/O- Late Bijoy Kr. Sarkar, R/O- Salgara Debar Per, Dist- Gomati, Tripura.
- 19.** Sefali Debnath, C/O- Late Matilal Debnath, R/O- Uttar Salgara, Word No-4, Tripura.
- 20.** Shibani Malakar, D/O- Barindra Malakar, Dist- Kailashahar, Tripura.
- 21.** Ratna Bhattacharjee, C/O- Sudhir Bhattacharjee, R/O- Krishnanagar, Agartala, Tripura.
- 22.** Smriti Chakraborty, C/O- Late. Bishanath Chakraborty, R/O- Badharghat Madhya Para, P/O- A.D. Nagar P/S- A.D. Nagar, Agartala, Tripura.
- 23.** Mamata Deb, W/O- Gopal Prasad Paul, R/O-Kalitila Jeliamura, P/O- Jeiamura, P/S- Jeliamura, Tripura.
- 24.** Rita Banik, W/O- Jyatilal Das, R/O- Sandhipara Agartala, P/O- Agartala, Head Post Office, Dist- West Tripura, Word No-20, Pin-799001.
- 25.** Archana Roy Majumder, C/O-Sisir Chandra Majumder, R/O- North Badharghat, P/O- A.D. Nagar, Dist- West Tripura, Pin-799003.
- 26.** Minati Das, W/O- Shudhangshu Das, Dist- Kailashahar, Tripura.
- 27.** Rinku Ghosh (Roy), C/O- Lt. Sambhu Roy, R/O- Joynagar Agartala, Dist- West Tripura.
- 28.** Bhanu Shil, C/O- Sunny Shill, R/O- Bholananda Palli, P/O- Kathal Bagan, Dist- West Tripura, Pin- 799006.
- 29.** Jaya Bhattachariya, C/O- Lt. Debasish Bhattachariya, Dist-West Tripura.
- 30.** Ratna Sarkar, W/O- Bishanath Sarkar, R/O- East Baghat, P/O- Madhuban, P/S- Amtali, Agartala, Tripura.
- 31.** Janapriya Debnath, W/O- Krishna Debnath, R/O- Araliya, P/O- Araliya, Agartala, Tripura.
- 32.** Anjana Roy (Chakraborty), W/O- Lt. Dulal Chakraborty. R/O- Boulapasha, P/O- Kailashahar, P/S- Kailashahar, Pin- 799277.
- 33.** Fulu Bhattacharjee, W/O- Rakesh Bhattacharjee, R/O- East Badharghat, P/O- Madhuban, P/S- Amtali, Agartala, Tripura.
- 34.** Sikha Saha, C/O- Nirode Baran Roy, R/O- Badharghat Railway Station, P/O- Siddhi Ashram, District- West Tripura.

- 35.** Minati Majumder, W/O- Ranjit Kumar Datta, R/O- Shaltila para Belonia, P/O-Belonia, P/S- Belonia, Pin-799155, Tripura.
- 36.** Krishneswari Deb Barma, W/O- Rabindra Deb Barma R/O- Nutan Garia dafadar para, P/O- Baramaidan,P/S- Kalyanpur, District-Khowai, Tripura.
- 37.** Lalremliani Darlong,C/O- Dr. N Darlong. R/O- East Beteherra Darlong para, Kumarghat Unakoti Tripura, Pin- 799264.
- 38.** Sumita Sinha, W/O- Pratap Sinha R/O- Goldharpur, P/O- Goldharpur, P/S- Kailashahar Tripura, Pin-799279.
- 39.** Malina Saha(Das), W/O- Krishna Das, R/O- Jogendranagar, P/O- Jogendranagar, P/S- West Agartala, Tripura.
- 40.** Silu Pal, W/O- Nirmal Pal, R/O-East Kanchanlari Nutan Bazaar Kumargaht, Unakoti Tripura, Pin-799264.
- 41.** Shyamali Bhattacharjee (Datta), C/O- Shishir Bhattacharjee, R/O- Srirampur, Kailashahar, Unokoti Tripura, Pin-799277.
- 42.** Mira Saha, C/O-Soutam Roy, R/O- M.B Tilla, P/O- A.D Nagar, Agartala, Tripura .
- 43.** Jaya Bhattacharjee, C/O- Lt. Sambhu Roy, R/O- Kshirode Sen Lane Joynagar, Agartala, Tripura.
- 44.** Gita Biswas (Bhowmik), W/O- Krishna Dhan Bhowmik,R/O. Madhyapara Belonia, P/O- Belonia, Tripura, Pin-799155.
- 45.** Anita Dey, W/O-Milan Krishna Majumder, R/O- Sabroom, Amtali, P/O- Sabroom, P/S- Sabroom, Tripura, Pin-79914.
- 46.** Sandhya Nag, W/O- Nikunja Behari Debnath, R/O- Kalinagar, P/O- Belonia, P/S- Belonia, Dist- South Tripura, Pin-799155.
- 47.** Chinu Chakraborty, C/O- Ranjit Chakraborty, R/O-Giridhari Para, P/O-Belonia, Dist- South Tripura, Pin- 799155.
- 48.** Sipra Das (Deb), W/O- Haripada Deb, R/O- Fatikroy, P/S- Fatikroy, Dist- Unakoti, Tripura, Pin-799290.
- 49.** Mankhu Das, W/O- Sadhanch Das, R/O- Reshambagan, P/O- Reshambagan, P/S-West Agartala, Tripura.
- 50.** Bina Bhattacharjee, W/O Lt. Manik Talapatra, R/O- Gokulnagar, P/S- Fatikroy, Dist-Unakoti, Tripura, Pin-799290.
- 51.** Pranati Paul(Datta), W/O- Bhola Datta, R/O- Sukantanagar North Belonia, P/O- S.B.C. Nagar, P/S- Belonia, Dist- South Tripura.
- 52.** Sabitri Debbarma, W/O- Harendra Debbarma, R/O- Darpa Narayan Para, P/O- Uttar Maharanipur, P/S- Mungiakami, Tripura.
- 53.** Sabita Majumder, C/O-Nitai Chandra Roy, R/O- Rajib Corner, P/O- Belonia, P/S- Belonia, Dist- South Tripura, pin- 799155.

- 54.** Ratna Rani Paul, W/O- Narayan Chandra Routh, R/O- West Piparia Khola, P/O- Abhoya Ganj Bazar, P/S- P.R Bari, Dist- Belonia, South Tripura, Pin-799155.
- 55.** Kalyani Chakraborty, C/O- Lt. Sarada Charan Chakraborty, R/O- Arundhati Nagar, P/O- S.D Mission, P/S- A.D Nagar, Agartala, Tripura Pin- 799003.
- 56.** Sandhya Rani Debbarma, W/O- Ranu Kumar Debbarma, R/O- Dinadayal sandha para Teliamura, Dist- West Tripura.
- 57.** Ananda Laxmi Debbarma, W/O-Biswa Kumar Debbarma, R/O- Howai bari Teliamura West Tripura, P/O-Howaibari.
- 58.** Shikha Rani Saha, W/O- Lt. Sudhir Chandra Saha, Vill- Durgapur (Saha Para near Village Office), P.O- Sarma, P.S- Gandachara, Dhalai, Tripura, Pin-799284.
- 59.** Mallika Mog Choudhury, W/O- Afrusi Mog, R/O- Vill- Paschim Nalichara, P.O- Kulai Bazar, P.S- Ambassa, Dist- Dhalai, Pin-799204.
- 60.** Gita Saha, W/O- Lt. Amritlal Saha, R/O- Durgapur, Gandachara G/P, Tripura.
- 61.** Manju Chakraborty, W/O- Bikram Chakraborty, R/O- Arundhuti Nagar Road No-8, Beltali, P.O- A.D Nagar, Agartala, West Tripura, Pin-799003.
- 62.** Swapna Ghosh (Fatima Begum), D/O- Abdul Kaddus, P.O. Tilabazar, kailashahar, Unakoti, Tripura.
- 63.** Maya Malakar, W/O- Abani Malakar, R/O- Naya Paltan, P.O- Tilabazar, Kailashahar, Unakoti Tripura.
- 64.** Gita Rani Jamatia, W/O- It. Surjakisur Jamatiya, R/O- Totabari, Gomati, Tripura.

.....Petitioner(s)

Vs.

- 1.** The State of Tripura To be represented by the Secretary, Social Welfare and Social Education, Govt of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S: New Capital Complex, Agartala, West Tripura, PIN: 799010.
- 2.** The Secretary, Department of Social Welfare and Social Education, Govt of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S: New Capital Complex, Agartala, West Tripura, PIN: 799010.
- 3.** The Secretary, Department of Finance, Govt of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S: New Capital Complex, Agartala, West Tripura, PIN: 799010.
- 4.** The Director Social Welfare and Social Education Malancha, Ujan Abhoynagar, Agartala, West Tripura.

5. Child Development Project Officer Teliamura ICDS Project, Khowai, Tripura.
6. Child Development Project Officer, Urban ICDS Project, Badharghat, West Tripura.
7. Child Development Project Officer, Rajnagar ICDS Project, South Tripura.
8. Child Development Project Officer, Kalyanpur ICDS Project, Khowai, Tripura.
9. Child Development Project Officer, Teliamura ICDS Project, Khowai Tripura.
10. Child Development Project Officer, Agartala-2 ICDS Project, Agartala West Tripura.
11. Child Development Project Officer, Matabari ICDS Project, Udaipur, South Tripura.
12. Child Development Project Officer, Dukli ICDS Project, West Tripura.
13. Child Development Project Officer, Kailashahar District H/Q ICDS Project, Unakoti, Tripura.
14. Child Development Project Officer, Karbook ICDS Project, Gomati, Tripura.
15. Child Development Project Officer, Gournagar ICDS Project, Gournagar, Unakoti.
16. Child Development Project Officer, Kumarghat ICDS Project, Unakoti, Tripura.
17. Child Development Project Officer, Satchand ICDS Project, South Tripura.
18. Child Development Project Officer, Mungiakami ICDS Project, Khowai Tripura.
19. Child Development Project Officer, Belonia ICDS Project, South Tripura.
20. Child Development Project Officer, Ambassa ICDS Project, Ambassa Dhalai.
21. Child Development Project Officer, Kakrabon ICDS Project, Gomati Tripura.
22. The Union of India To be represented by the Secretary, Ministry of Women and Child Development, Govt of India, Shastriya Bhawan, New Delhi.

.....Respondent(s)

For Petitioner (s)	:	Mr. P Roy Barman, Sr. Advocate. Mr. K Nath, Advocate.
For Respondent(s)	:	Mr. B Majumder, Dy.SGI. Mr. Kohinoor N Bhattacharjee, GA.
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE S DATTA PURKAYASTHA

Judgment & Order (Oral)

03.07.2024

Heard Mr. P Roy Barman, learned Sr. counsel assisted by Mr.K Nath, learned counsel appearing for the petitioners as well as B Majumder, learned Dy. SGI appearing for the Union of India and Mr. Kohinoor N Bhattacharjee, learned GA appearing for the State respondents.

[2] Common issues relating to facts and laws being involved, both the writ petitions are being disposed of by a common judgment.

[3] The case of the petitioners, in a nut-shell, is that they were engaged as Anganwadi Workers (for short-AWW) and Anganwadi Helpers (for short-AWH) under the respondents and they have served the respondents for atleast 10 years or more, but they were not paid any gratuity. The petitioners who were engaged as Anganwadi Workers, were engaged on different dates in between 23.06.1983 to 01.09.2012 and the petitioners who were engaged as Anganwadi Helpers, were engaged in between 28.07.1984 to 16.01.2010.

[4] Accordingly to Mr. Roy Barman, learned Sr. counsel as per the decision in **Maniben Maganbhai Bhariya vs District Development Officer, Dahod & Ors.** reported in **2022 SCC ONLine SC 507** and decision of this court in **Bina Rani Paul and Ors. vs. State of Tripura and Ors, MANU/TR/0185/2024** they are entitled to payment of gratuity which was denied by the State arbitrarily, without any reason.

[5] Learned Dy.SGI, learned GA and learned Addl. GA, opposes the prayer of the petitioners with emphasis that the ratio of **Maniben** case is applicable in the perspective of State of Gujarat which is not alike the State of Tripura and as such, the ratio of **Maniben** case is not applicable in Tripura.

[6] Learned GA referring to Paras-45, 46 and 47 of **Maniben's** case submits that the State of Gujarat already came up with a composite scheme on the basis of one resolution dated 25.11.2019 laying down exhaustive provisions regarding selection process, eligibility criteria, minimum academic qualification, disciplinary action etc. in respect of AWWs and AWHs which is not there in Tripura. Learned GA also submits that if there is a scheme framed by the State, the Court can ask for implementation of the same but when there is no such definite scheme framed by the State for AWWs and AWHs, the court cannot rewrite any scheme on its own. He also argues that Anganwadi center does not come within the definition of 'establishment' as envisaged under Section 1(3)(b) of the Payment of Gratuity Act, 1972.

[7] Learned GA for appellant relies on a decision passed by the Apex court in **State of Maharashtra & Anr. Vs. Bhagwan &**

Ors. [Civil Appeals Nos. 7682-7684 of 2021] [2022 Live Law (SC) 28], wherein it was observed that the Court should refrain from interfering with the policy decision that might have a cascading effect and have financial implications. Whether to grant certain benefits to the employees or not should be left to the expert body and undertakings and the Court cannot interfere lightly. Granting of certain benefits may result in a cascading effect having adverse financial consequences.

[8] Mr. B. Majumder, learned Deputy SGI appearing for the Union of India contends that the operative part of **Maniben's** case is applicable in the State of Gujarat only as the said case was decided basing on a scheme of that State. Learned Deputy SGI also refers Para-67 of the judgment of **Maniben's** case in this regard.

[9] Considered the submissions of both sides.

[10] This matter is already covered by a previous decision of this court in **Bina Rani Paul** (supra) wherein all the points as raised from the side of the respondents were discussed.

[11] Since the matter is already covered by aforesaid previous decision of this case in **Bina Rani Pal** (supra), there is no further necessity to discuss in details here, the points as raised by learned GA and learned Dy. SGI in both the writ petitions.

[12] In view of abovesaid decision, both the writ petitions are hereby allowed.

[13] Consequently, the respondents Nos. 1 to 4 are directed to make necessary arrangement for payment of gratuity to the petitioners as per their eligibility in terms of the provisions of Payment of Gratuity

Act, 1972 along with interest @7% per annum, computing the period after expiry of 30 days from the date of retirement of respective petitioners, till the payment is made. Such exercise should be done within four months from receipt of copy of this judgment.

[14] Consequently the memorandum dated 11.08.2023 (Annexure-35 of WP(C) No. 58/2024 and Annexure-127 of WP(C) 59/2024) are hereby quashed, so far it relates to the matter of the gratuity.

Both the writ petitions are allowed.

Interim application, if any, stands disposed of.

JUDGE

