

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 101 of 2024

For Petitioner(s)	: Mr. D. Sarkar, Advocate. Mr. M. Saha, Advocate.
For Respondent(s)	: Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

12.02.2024

Heard learned counsel for the parties.

This is a writ petition under Article 226 of the Constitution of India seeking the following reliefs:

- i. *Issue notice upon the respondents*
- ii. *Call for the relevant records*
- iii. *Admit this petition*
- iv. *Issue rule calling upon the respondents to show cause as to why the Writ of mandamus or any other writ shall not be issued upon the respondents to release the pension of the petitioner along with all retirement cum service benefits with all arrears from the date of retirement.*
- v. *Pass any other order/orders as your Honour may fit and proper.*

It is the case of the petitioner that while the petitioner was serving under 54-Bn CRPF as Habilder, on 2.2.2006, a command was issued to him from 54Bn. CRPF Awantipur, Kashmir, directing him to report to 86 Bn. CRPF, Narsingarh, Agartala for performing a duty of ascertaining the position of the matter of grant of compassionate benefit to the family of deceased Habildar Subhash Kumar. Accordingly, the petitioner reached Agartala on 9.2.2006 and reported to 86 Bn. CRPF. Thereafter, as the petitioner fell sick, he informed over phone to both of them that the petitioner needs to avail leave at least for one or two months for his recovery. It is also stated that he had submitted written application seeking leave due to his illness, but the office of the Commandant, 86 Bn. CRPF refused to receive the said application. As a result, he had to talk with the above officers of 54-Bn CRPF. On 24.3.2006, the wife of the petitioner informed the commandant 54 Bn. CRPF over phone that her husband was bed ridden and so he needs leave for some more time as it was not possible for him to move out of the house or to go

to the CRPF Bn, No.54 at Kashmir. On 25.3.2006, the petitioner sent a telegram informing about his illness and inability to resume his duties. That, thereafter, the petitioner was placed under suspension on 17.5.2006 and on 20.5.2006; an order was issued for holding enquiry against the petitioner under Rule 27 of the CRPF Rules, 1955. The Asstt. Commandant, 54 Bn. CRPF, Awantipur, Srinagar, Kashmir, was appointed as Enquiry Officer for conducting the enquiry relating to absence of the petitioner without leave. Ultimately, the said Enquiry Officer conducted the enquiry. In the enquiry, the charges have been proved. In consequence upon the enquiry report, the Disciplinary authority punished the petitioner imposing penalty of compulsory retirement vide impugned order dated 18.9.2006 against which the petitioner preferred an appeal before the respondent No. 3. The Dy. Inspector General of Police, CRPF West Block No. 8. R.K. Puram, New Delhi and the appellate authority by order dated 23.4.07 upheld the order of the Disciplinary authority and dismissed the appeal. Stating all this things the petitioner preferred one writ petition before the Hon'ble High Court vide no. W.P (C) 380/2007. That, after hearing the all sides the Hon'ble Court come to a conclusion that writ petition is wholly devoid of merit and no interference is called for. In the result, the writ petition was dismissed".

The petitioner further submits that the petitioner has 2 daughters and a wife. The elder daughter of the petitioner is reading in Tripura University and prosecuting Master Degree and younger daughter is prosecuting LL.B course at Tripura Government Law college. In such a circumstances the petitioner is facing tremendous financial crisis to continue the prosecution of studies of both the daughters as well as to maintain his livelihood. As the petitioner till date did not get any pension and service cum retirement benefits the petitioner approaches before this court for getting equitable justice.

It is also submitted by the petitioner that a representation dated 12.01.2023 was made to the respondents seeking retirement cum service benefits and pension. But no action has been taken till date by the respondents.

In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the representation dated 12.01.2023 made by the petitioner in accordance with law within a period of three months from the date of receipt of copy of this order. The petitioner is at liberty to provide all the relevant materials to the respondents, if so advised.

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

JUDGE



Dipak

DIPAK DAS

Digitally signed by
DIPAK DAS
Date: 2024.02.13
12:22:11 +05'30'