

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 168 of 2024

Smt. Shalini Das & 2 Ors.

---Petitioner(s)

Versus

Tripura Small Industries Corporation Ltd & Anr.

---Respondent(s)

For Petitioner(s)	: Mr. Suman Bhattacharjee, Advocate.
For Respondent(s)	: None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

04.03.2024

This is a petition under Article 226 of the Constitution of India for getting the post death/service benefit of the predecessor in interest of the petitioners who died while he was in service under the respondent No.1.

[2] It is the case of the petitioners that the husband of the petitioner No. 1, father of the petitioner No. 2 and son of the petitioner No. 3 was an employee under the respondent No. 1 in the post of supervisor, who died on 27.06.2019 while he was in service. After his death, the petitioner No. 1 informed the matter to the respondent No. 2. After that, death certificate and copy of the survival certificate was submitted with the respondent No. 2. The petitioner No. 1 being authorised by the other petitioners requested the respondent No. 2 to release the post-death benefit/death gratuity, leave encashment, G.I.S etc. The petitioner No. 1 also submitted her representation for getting the benefit under the die-in-harness scheme. There after the respondent No. 2 informed the petitioner No. 1 that subject relating to release of post-death benefit of the deceased husband of the petitioner No.1 was under process. While the respondent No. 2 proceed to release service benefits/post death benefit of the petitioner No. 1 a writ petition was filed before this Court by two persons claiming that they are the legal heirs of the deceased husband of the petitioner No. 1 and pray for issuing a writ of Mandamus directing the respondent No. 2 not to release any amount of post death

benefit of the deceased husband of the petitioner No. 1 to anybody without submitting the Survival certificate. This Court by its Order dated 20.03.2020 was pleased to restrain the respondent No. 2 from releasing any further post death benefit of the husband of the petitioner No. 1 to any person. The petitioner No. 1 contested the said writ petition by filing counter affidavit. This Court was pleased to dismiss the said writ petition by its Order dated 19.07.2022 wherein this Court opined that the matter was purely a civil dispute which cannot be adjudicated by the this Court under a writ jurisdiction and the petitioner of the said writ petition might take appropriate course of action any appropriate court of law. In the said order this Court was further pleased to vacate all the interim orders passed earlier.

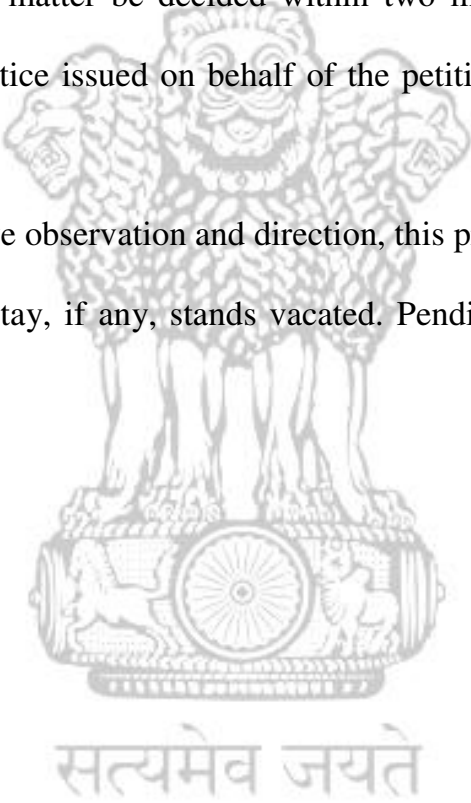
[3] After passing of the said judgment, the petitioner No. 1 filed an application with the respondent No. 2 for releasing all service/post-death benefit of her husband but the request was turned down by the respondent No. 2 by misinterpreting the order passed by this Court in the above mentioned writ petition. In the said letter, the respondent No. 2 asked the petitioner No. 1 to approach him with the order/direction/judgment of the competence Court to the effect that they are the legal heirs of the deceased husband when this Court was pleased to direct the petitioner of the above-mentioned Writ petitioners to approach the appropriate Court of law not the present petitioner and the name of the present petitioner No. 1 is there in the service book of her husband.

[4] The petitioners again requested the respondent No. 2 to release the above-mentioned service benefit of the deceased husband of the petitioner No. 1, but of no result. The petitioners sent advocate notice upon the respondents demanding the above mentioned benefits, but that was also turned down by the respondents by misreading/misinterpreting the order passed by this Court in the above-mentioned writ petition. Hence the petitioner filed these petitioners before this Court for getting the service benefit of her deceased husband who died while he was in service.

[5] Heard Mr. Suman Bhattacharjee, learned counsel for the petitioner.

[6] 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 ascertain whether any orders have been obtained by the petitioner in WP(C)238 of 2020 which was dismissed on 19.07.2022. In the event, if no order is received from the court of law, the respondents shall consider the case of the petitioner in the light of the service record and decide the representations and legal notice issued on behalf of the petitioners herein within a period of two months from the date of receipt of the copy of this order. In the event, if the respondents have any knowledge about any civil dispute pending before any court of law, the said information be communicated to the petitioners herein, else the matter be decided within two months in the light of the service record and legal notice issued on behalf of the petitioners in accordance with law.

[7] 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

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