

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.172 OF 2024**

Smt. Dhanantari Chakma
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. T.D. Majumder Sr. Advocate.
Ms. R. Debbrama, Advocate.
For the Respondent(s) : Ms. R. Chakraborty, Advocate.

05.03.2024

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"i) Issue Rule upon the respondents to show cause as to why a writ in the nature of mandamus or like nature shall not be issued directing them and each one of them to release the pension and pensionary benefits due to the Petitioner within a specified time frame by initiating proposal for family pension to the humble petitioner forthwith including arrear pension w.e.f.27.08.2023.

ii) Issue rule upon the respondents to show cause as to why they or each of them shall not be directed to provide the petitioner admissible pensioner benefit to the petitioner forthwith.

iii) Issue Rule upon the respondents to show cause as to why they or each of them shall not be mandated to produce records relevant to the subject matter of the proceedings from their custody to the Hon'ble High Court for rendering conscionable justice by a declaration that the Petitioner is entitled to receive pension and pensionary benefits for her deceased son, Tanmoy Chakma.

iv) An award of costs and expenses incurred in filing this Writ Petition.

v) Issue Rule absolute in terms of prayer No. i, ii and iii above."

2. Heard Mr. T.D. Majumder, learned Sr. counsel assisted by Ms. R. Debbarma, learned counsel appearing for the

petitioner as well as Ms. R. Chakraborty, learned counsel appearing for respondents-State.

3. Mr. T.D. Majumder, learned Sr. counsel appearing for the petitioner submits that the petitioner is entitled to family pension as the same is her legal right. Learned Sr. counsel also stated that the petitioner had also submitted several representations before the respondents agitating his relief, but, the same were not looked upon. Learned Sr. counsel also submitted that on 15.05.2014, the petitioner submitted a prayer before the Superintendent of Agriculture requesting her prayer of pensionary benefits.

4. Heard the perused the evidence on record.

5. The brief fact of this case as per the affidavit of the petitioner is that, the son of the petitioner was appointed as an Agriculture Assistant on 28.06.2012. On 28.08.2013, the son of the petitioner died. On 27.03.2014, the Superintendent of Agriculture notified the Director of Agriculture that necessary documents for payment of pension and pensionary benefits including the Service book were submitted for processing. On 15.05.2014, the reminder letter for the release of pension and pensionary benefits was given. On 30.07.2015, the petitioner was given a Memorandum vide No.F.2-11487(P)/5055-63 dated 30.07.2015 by which sanction was given for an amount of

Rs.75,000/- only as financial aid in lieu of Government employment under die in harness scheme.

6. On verification of the evidence on record, it is seen that the petitioner received Rs.75,000/- only as financial aid in lieu of Government employment under the *die-in-harness* scheme. This petition has been filed in the year 2024. For the last 9(nine) years, what the petitioner was doing, the same has not been explained in the affidavit of this writ petition, even not a single word has been written to that effect. Though learned Sr. counsel appearing for the petitioner submitted that in the last 9(nine) years, his client submitted several representations before the respondents agitating his grievance, but the same has not been placed on record and the affidavit do not contain the particulars of such representations or dates on which the petitioner visited the respondents-Office and met whom is not disclosed.

7. Further, though, there is a reminder letter for the release of pension and pensionary benefits on 15.05.2014, but, the same do not bear any proof of service and the petitioner who is 71 years of age had not signed it with her left thumb impression(LTI) but with mark, it creates doubt in the mind of the Court about the credibility and genuineness of the request. It is quite possible that someone with vested interest is trying to misuse the situation.

8. As such, this Court is of the view that the present writ petition suffers from delay and laches on the part of the petitioner. Therefore, the same is liable to be dismissed on the grounds of delay and laches.

9. Accordingly, the writ petition is dismissed for the reasons indicated above.

10. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

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RAJKUMAR
SUHANJIT SINGHA
Date: 2024.03.11
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