

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 184 of 2024

Nikhil Ranjan Nath Sharma

---Petitioner(s)

Versus

The State of Tripura and 5 Others.

---Respondent(s)

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate. Ms. A. Debbarma, Advocate.
For Respondent(s)	: Mr. Kohinoor N. Bhattacharjee, GA. Mr. B.N. Majumder, Sr. Advocate. Mr. Debalaya Bhattacharjee, Sr. Advocate. Mr. B. Paul, Advocate. Mr. Soumyadeep Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

11.03.2024

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

- (i) *Issue Rule, calling upon the Respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned letter, dated, 05.11.2022, issued by the DGM, Teliamura Electrical Division, Khowai along with the overdrawn statement for the period of 30.12.2014 to 28.02.2021*
- (ii) *Issue Rule, calling upon the Respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, not to recover any amount, either from the pensionary benefits of the Petitioner, or from his monthly pension, on account of the alleged excess payment;*
- (iii) *Issue Rule, calling upon the Respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to release the remaining Gratuity amount (amounting to Rs. 93,150), outstanding pensionary benefits, alongwith 9% Interest (due to belated payment thereof), in favour of the Petitioner;*
- (iv) *Issue Rule, calling upon the Respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to revise the PPO, dated, 02.02.2023, taking into account the basic pay of the Petitioner @ Rs. 32,400/-as the last basic pay and all pensionary benefits and regular monthly pension needs to be re-fixed on the basis of such revised PPO along with interest for deferred payment.*
- (v) *Make the rules absolute.*
- (vi) *Call for records.*

It is the case of the petitioner that he is a retired Senior Helper from the O/o the Deputy General Manager, Teliamura, Electrical Division, Khowai. He has sought for necessary direction upon the respondents not to recover any amount from his pensionary benefits on account of the alleged excess payment and to release the

remaining Gratuity amount with 9% interest in his favour. He has further sought to direct the respondents to revise the PPO, dated 02.02.2023 taking into account the basic pay of the petitioner @ Rs.32,400/- as the last basic pay and all pensionary benefits and regular monthly pension needs to be re-fixed on the basis of such revised PPO along with interest for deferred payment. Hence this writ petition.

Mr. B. N. Majumder, learned senior counsel contended that no impugned order has been passed against the petitioner and at this juncture this is a premature case. Therefore, the same is liable to be dismissed. All other learned counsel for the respective respondents adopted the argument as advanced by Mr. B. N. Majumder, learned senior counsel.

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 pass a speaking order in respect of the case of the petitioner in accordance with law within a period of three months from the date of receipt of copy of this order. In the event, if the petitioner is aggrieved by such order, the petitioner is at liberty to challenge the same in accordance with law. It is needless to mention here that the doctrine of *res judicata* will not be applicable here.

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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