

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.225 OF 2024**

Sri Tushar Kanti Sen
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Ms. S. Deb barman, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, Sr. Advocate.
Mr. K. De, Addl. G.A.
Mr. S. Saha, Advocate.

22.03.2024

Order

Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. K. Nath, learned counsel as well as Mr. K. De, learned Addl. G.A. appearing for the State-respondents and Mr. D. Bhattacharjee, learned Sr. counsel assisted by Mr. S. Saha, learned counsel appearing for respondent No.6.

2. The brief fact of this case is that the petitioner joined in service as Panchayat Secretary under the respondents w.e.f. 21.07.2003. On attaining the age of superannuation, the Petitioner retired from service w.e.f. 30.11.2023 as Panchayat Secretary, lastly being posted at Mandwi R.D Block. But till date, gratuity, monthly pension, leave salary & other pensionary benefits have not been sanctioned and released in favour of the petitioner. The petitioner submitted representations to the Director of Panchayats, Tripura, praying for release of his

gratuity, monthly pension, leave salary and other pensionary benefits but till date, there has been no positive response to the same.

Hence, the instant Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

"(1) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to sanction & release regular monthly pension in favour of the Petitioner.

(II) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to sanction & release gratuity, leave salary and other pensionary benefits which became admissible to the Petitioner on his retirement from service w.e.f. 30.11.2023.

(III) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to pay interest @ 9% per annum in favour of the Petitioner for the delayed payment of gratuity, leave salary and other pensionary benefits from the date when such benefits became due to be paid to the Petitioner till date of actual payment.

(IV) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to sanction & release all other consequential pecuniary benefits to which the Petitioner became entitled post revocation of his suspension order.

(V) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to treat the period of suspension spent as period spent on duty for all purposes by the Petitioner and release full pay and salary for said period in favour of the Petitioner, after adjusting the lump sum amount already paid.

(VI) Make the Rules absolute.

(VII) Call for records.

(VIII) Pass any further order/orders as the Hon'ble High Court considered fit and proper."

3. When the case is called today, Mr. K. De, learned Addl. G.A., appearing for the State-respondents placed on record, the written instructions from the Director of Panchayets, Government of Tripura, the relevant portion of which is produced here-in-under:-

"i) Death Cum Retirement gratuity d. vide dated 20/03/2024.

ii) Leave Salary vide dated 20/03/2024.

iii) The proposal for GPF final withdrawal prepared as per letter vide dated 24/01/2024 which was already sent to the office of the AG, Tripura. Further, other related documents are under preparation with the office of the BDO, Mandwi RD Block such as:

(a) Provisional Pension to be prepared within 22/03/2024.

(b) G.I. to be prepared within 22/03/2024. (Annexure-VII)."

4. In view of the same, this present writ petition is accordingly disposed of directing the respondents to complete the proceeding as indicated in the above instructions as expeditiously as possible preferably by the dates which are already indicated therein.

5. In the event if the petitioner is aggrieved thereafter, it is upon the petitioner to avail remedies contemplated under law.

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

JUDGE

suhanjit

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SUHANJIT
SINGHA

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SUHANJIT SINGHA
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