

**HIGH COURT OF TRIPURA
AGARTALA**

**IA No.01/2023 in Review Pet. No.22 of 2024
Review Pet. No.22 of 2024**

1. The Managing Director, Tripura Horticulture Corporation Ltd. (A Govt. undertaking), R.C.D.F Complex, P.O: Arundhutinagar, West Tripura, PIN: 799003

.....Applicant/Petitioner(s);

Versus

1. Sri Churamuni Malakar, S/o Lt. Brajendra Malakaar, R/o: Bhuiya Chara, Uttar Machmara, Pecharthal, North Tripura, Pin: 799263

2. The State of Tripura to be represented by Secretary, Department of Agriculture, Govt. of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN: 799010.

3. The Director, Department of Agriculture, Govt. of Tripura, Krishi Bhavan, Agartala, P.O: Agartala, PIN: 799001.

4. The Secretary Department Of Finance, Govt. Of Tripura, New Secretariat Building, New Capital Complex, Agartala, West Tripura.

.....Respondent(s).

**IA No.01/2023 in Review Pet. No.23 of 2024
Review Pet. No.23 of 2024**

1. The Managing Director, Tripura Horticulture Corporation Ltd. (A Govt. undertaking), R.C.D.F Complex, P.O: Arundhutinagar, West Tripura, PIN: 799003

.....Applicant/Petitioner(s);

Versus

1. Sri Sachindra Majumder, S/o- Lt. Nagarbashi Majumder, R/o- Nabagram, Daksin Fulcherri, South Tripura, Pin: 799119

2. The State of Tripura to be represented by Secretary, Department of Agriculture, Govt. of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN: 799010.

3. The Director, Department of Agriculture, Govt. of Tripura, Krishi Bhavan, Agartala, P.O: Agartala, PIN: 799001.

4. The Secretary, Department Of Finance, Govt. Of Tripura, New Secretariat Building, New Capital Complex, Agartala, West Tripura.

.....Respondent(s)

For Applicant/Petitioner(s): Mr. S.S. Dey, Advocate General,
Mr. D. Sharma, Addl. G.A.,
Ms. Ayantika Chakraborty, Advocate.

For Respondent(s): None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

03/10/2024

Both the review petitions are being taken up together as they assail the common impugned order dated 20.01.2022 passed in WP(C) No.307/2021 [against which Review Petition No.22/2024 has been preferred] and WP(C) No.308/2021 [against which Review Petition No.23/2024 has been preferred] and other analogous writ petitions.

The learned Writ Court had, taking note of precedents i.e. judgment dated 05.07.2016 passed in WP(C) No.373/2015 [*Gouranga Ch. Adhikari v. The State of Tripura & others*], judgment dated 08.08.2017 passed in WP(C) No.588/2017 [*Mrs. Hena Rani Das v. The Sate of Tripura & others*] and also judgment dated 18.03.2019 passed in WP(C) No.224/2018 [*Smt. Niyati Saha v. The State of Tripura & others*], proceeded to allow the writ petitions directing the respondents to release the full amount of gratuity and leave encashment of the petitioners within a period of 3(three) months from the date of the order with interest @ 7% per annum after one month from the date of their superannuation. It was further indicated that if any sum has already been paid, the same amount shall be deducted from the entire gratuity to which the petitioners are entitled. The learned Court also held that petitioners shall abide by the outcome of the review applications said to have been filed by the State in the aforesaid two cases. Thereafter, the review petitions being Review Petition No.34/2023, Review Petition No.35/2023 & Review Petition No.36/2023 were preferred by the Managing Director, Tripura Horticulture

Corporation Ltd. against the common impugned judgment dated 20.01.2022 rendered in the case of WP(C) No.306/2021 and other analogous writ petitions.

This Court vide order dated 19.07.2023 disposed of the review petitions with an observation that the Writ Court had not made any observations on the merits of the case of the parties or the decision required to be taken by the review petitioners in compliance of the order of the learned Writ Court. Thereafter, contempt petitions were being pursued by the writ petitioners. During pendency of the contempt petitions, the State and the Corporation went in appeal before the learned Division Bench of this Court in WA No.86 of 2024, WA No.87 of 2024, WA No.88 of 2024 and WA 01 of 2024 (State of Tripura & Ors Vs. Bikash Roy). Learned Division Bench of this Court has passed an order of stay on 09.01.2024 in WA 01 of 2024.

In this background, learned Advocate General fairly submits that the review petitions may be allowed to be withdrawn since the fate of the impugned order depends upon the outcome of the writ appeals pending before the learned Division Bench of this Court.

In that view of the matter, these review petitions are disposed of as withdrawn.

(APARESH KUMAR SINGH), CJ

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