

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.524 of 2024

For Petitioner(s) : Mr. S. Das, Advocate.
For Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

08.08.2024

Heard.

The present writ petition is filed under Article-226 of the Constitution of India for a direction to the respondents to count the past service of the petitioner which was rendered as a School Mother on consolidated fixed pay w.e.f. 20.07.1990 and provide retiral benefits along with pensionary benefits counting her 50% of the past service.

The petitioner has prayed for the following reliefs:

- i. Admit this petition.
- ii. Issue notice upon the respondents.
- iii. Call for records.
- iv. After hearing the parties please to direct the respondents and each of to count the past service of the petitioner which was rendered as a School Mother on a consolidated fixed pay w.e.f. from 20.07.1990 for providing pensionary benefits and also pass such other retiral benefits along with pensionary benefits and also pass such other order or orders as the Hon'ble Court may deem fit and proper for the ends of justice."

The facts in brief are that the respondents issued an offer an appointment to the petitioner for the post of School Mother under the respondents on a consolidated fixed pay of Rs.500/- per month and accordingly, respondents appointed the petitioner. The Inspector of Social Welfare and Social Education, Jirania, West Tripura accepted the joining report of the petitioner as the date of joining of the petitioner to the post of School Mother was 02.07.1990. Thereafter, the respondents regularized the service as School Mother. The petitioner since 20.07.1990 till 30.04.2022 served her department with complete honesty and integrity, without any blemish whatsoever and the petitioner completed her whole service with full satisfaction of the higher authority.

The respondents whereby informed that the petitioner will retire on 30.04.2022 from her service as a School Mother without full pensionary benefits counting the 50% of her past service. Thereafter, the petitioner submitted one representation to consider her past service and provide pensionary benefits. Though this Court on several occasions passed various judgments wherein direction was given to the respondents to consider the past service of School Mother and provide pensionary benefits but the respondents without considering this and receiving the representation, intentionally sitting idle over that issue which is legally arbitrary.

Being aggrieved by the conduct of the respondents, the petitioner has filed the present writ petition before this Court for redress.

When the case is called, learned counsel placed on record an order dated 04.07.2024 by the Hon'ble Division Bench of this Court in WA. No.135 of 2022 and others and prayed to pass an order in terms of the same as the present litigation is covered by the said order. On the other hand, learned Government Advocate has opposed the submission made by the counsel for the petitioner and submitted that on facts the case of the petitioner is different and the relief as sought for, cannot be extended to him and pleaded to file counter affidavit.

This Court having heard the submissions made by the learned counsel appearing for the parties was pleased to consider the request of the learned Government Advocate. But in the midst of argument, both the parties have given consent to dispose of the matter if the same is considered in the light of the order as mentioned above and also on the facts of the case of the petitioner.

In view of above and without going into the merits of the case, the present petition stands disposed of directing the respondents to consider the case of the petitioner in the light of the order dated 04.07.2024 passed in WA. No.135 of 2022 and others and also on the facts of the case of the petitioner, within a period of two months from the date of receipt of the copy of this order.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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