

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 457 of 2024
Smt. Manju Sarma Bhattacharjee. Petitioner(s)
Versus
The State of Tripura & Ors. Respondent(s)

For Petitioner(s) : Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. B. Majumder, Dy. SGI.
Mr. Kohinoor Narayan Bhattacharjee, GA

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

10.07.2024

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor Narayan Bhattacharjee, learned Government Advocate, appearing for the respondent-State and Mr. B. Majumder, learned Dy. SGI, appearing for the respondent-Union of India.

[2] This 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 writ in the nature of mandamus and/or order or direction shall not be issued whereby directing the respondent to record service rendered by the petitioner as Anganwadi Worker before Joining as Supervisor (ICDS) (Group-C, Non Gazetted), in the service book of the petitioner.

ii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction shall not be issued whereby directing the respondent to send pension proposal of the petitioner to the AG (A & E), Tripura after retirement of the petitioner from service on superannuation on the basis of 50% service as Anganwadi Worker and regular service as Supervisor (ICDS) (Group-C, Non Gazetted).

iii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction shall not be issued whereby directing the respondent to determine the Gratuity, Leave Encashment and other pensionary benefits on retirement of the petitioner as Anganwadi Worker and regular service in the post of Supervisor, ICDS (Group-C Non Gazetted).

iv. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction shall not be issued whereby directing the respondent to modify the Notification, dated 02.06.2023, issued

by the Director, Social Welfare and Social Education by deleting the word " On ad-hoc basis"

V. Make the rules absolute.

vi. Call for records."

[3] The case of the petitioners in brief, is that, the petitioner has retired from service after attaining the age of superannuation from the post of Supervisor (ICDS). She filed this petition before this Hon'ble Court for directing the respondents to provide the benefits of gratuity and other post retirement benefit taking into consideration 50% of service rendered by her as Anganwadi Worker before being appointed as Supervisor (ICDS) (Group-C Non-Gazetted) on ad-hoc basis. The petitioner also stated that to treat her promotion to the post of Supervisor on regular basis. Hence, this present petition filed by the petitioner.

[4] Heard and perused the evidence on record.

[5] It is seen from the record that the petitioner has submitted a representation dated 31.05.2024 ventilating her grievances, addressed to the Director, Directorate of Social Welfare & Social Education, Govt. of Tripura, which is still pending with the respondent-authority.

[6] In view of such circumstances, without expressing any opinion on the merits of the case, this writ petition is disposed of, directing the respondents to consider the representation dated 31.05.2024 made by the petitioner within a period of 03(three) months from the date of receipt of the copy of this order. However, it is always open for the petitioner to place any such document in support of her claim before the respondents along with the Judgment and Order dated 24.01.2017 passed in WP (C) No. 71 of 2011, and in analogous matter and also in Judgment and Order dated 23.02.2017 passed in WP(C) No. 514 of 2014 passed by this Court and on

receipt of the same the respondents shall consider the matter in accordance with law.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE



Paritosh

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