

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.478 of 2024

Sri Biswajit Reang,

S/o- Sri Jogendra Kumar Reang,

Vill.-East Bogafa, P.O. & P.S.-Santir Bazar, Dist.-South Tripura,

Pin-799144.

....Petitioner(s)

Versus

1. The State of Tripura, to be represented by the Principal Secretary to the Department of Tribal Welfare (TRP & PTG) having its office at Secretariat Complex, P.O.-Kunjaban, Agartala, P.S.-New Capital Complex, District-West Tripura, Agartala.

2. Tripura Rehabilitation Plantation Corporation Ltd. (A Government of Tripura Undertaking), represented by its Managing Director, TRPC Ltd., having its registered office at Pandit Nehru Complex, Gurkhabasti, P.O.-Kunjaban, Agartala, District-West Tripura, PIN-799006.

3. The Managing Director, Tripura Rehabilitation Plantation Corporation Ltd., Pandit Nehru Complex, Gurkhabasti, P.O.-Kunjaban, Agartala, District-West Tripura, PIN-799006.

4. The Deputy Manager, South Zone, Tripura Rehabilitation Plantation Corporation Ltd., Chanban, P.O.-Radhakishorepur, Udaipur, District-Gomati Tripura, PIN-799120.

....Respondent(s)

For the Petitioner(s)	:	Mr. K. D. Singha, Advocate
For the Respondent(s)	:	Mr. K. De, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

12/11/2024

By means of filing the present writ petition, the petitioner has prayed for following reliefs:

- "a) admit this petition,*
- b) call for the records, and*
- c) issue Rule calling upon the respondents to show cause as to why a writ in the nature of Mandamus should not be issued directing/commanding the respondent authorities, to provide/release the subsistence allowance to the petitioner forthwith from the date of his suspension order dated 19.05.2022 as per the Office Order dated 09.06.2022 (Annexure-B) and/or*
- d) after hearing the parties, be pleased to make the Rule absolute and/or pass such further order(s) as to Your Lordships may deem fit and proper.*

AND

In the interim, it is graciously prayed that pending disposal of the Rule, Your Lordships may be pleased to direct the respondent authorities to provide/release the subsistence allowance to the petitioner and/or pass such further order(s) as to Your Lordships may deem fit and proper."

From the above prayers it is noticed that the main grievance of the petitioner is non-granting of subsistence allowance from the date of his suspension order dated 19.05.2022 till the same is revoked.

After receipt of the copy of this writ petition, the respondents-State have come up with a counter affidavit wherein it has been categorically stated that *“as per provision of FR-53 (2), the Government servant under suspension should submit certificate that he is not engaged in any other employment, business, profession or vocation for payment of subsistence allowance but in the instant case the Petitioner had not submitted any such certificate to substantiate that he is not engaged in any other employment, business, profession or vocation.”*

Mr. K. De, learned Addl. GA has submitted that in the event of furnishing necessary certificate as aforestated, the respondents will definitely provide subsistence allowance in favour of the petitioner.

In the light of above factual averments in the counter affidavit and submissions of learned Addl. GA, I direct the petitioner to submit necessary certificate that he was/is not engaged in any other employment, business, profession or vocation during the period of his suspension. On receipt of such certificate from the petitioner, the respondents are directed to provide/release the subsistence allowance within a period of 30(thirty) days. The petitioner is entitled to get subsistence allowance for the period he was not paid, which are admittedly not paid to the petitioner till now.

In the light of above observations and directions, the instant writ petition stands allowed and disposed.

JUDGE

Snigdha

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