

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 548 of 2024

Dr. Prashant Kumar

---Petitioner(s)

Versus

The Union of India and 4 Others

---Respondent(s)

For Petitioner (s)	:	Mr. P Roy Barman, Sr. Advocate. Mr. K. Chakraborty, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI Mr. Kohinoor N. Bhattacharjee, GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

23.08.2024

Heard learned counsel for the parties.

[2] This is petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) *Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to revoke/rescind the impugned Note Nos. 9, 12, 14, 19 & 21 of Annexure-A to the RTI Reply dated 18.10.2017 (Annexure-2 supra) and the impugned Order dated 16.11.2023 (Annexure-6 supra), whereby the Finance Department, Government of Tripura has regretted to concur with the proposal for introduction of pension, for the employees of the Tripura Tribal Welfare Residential Educational Institutions Society (including the Petitioner);*
- (ii) *Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to adopt the CCS (Pension) Rules, 1972, and introduce pension for the employees of the Tripura Tribal Welfare Residential Educational Institutions Society (including the Petitioner), and thereupon, grant regular monthly pension, in favour of the Petitioner, alongwith arrears thereof, with effect from the date of his retirement (i.e., 31.10.2022);*
- (iii) *Call for the records, appertaining to this Writ Petition;*
- (iv) *After hearing the parties, be pleased to make the Rule absolute in terms of (i) & (ii) above;*
- (v) *Costs of and incidental to this proceeding*
- (vi) *Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;*

[3] It is the case of the petitioner that on 24.12.2002, the Petitioner had joined to the post of Principal at Eklavya Model Residential School, TTWREIS, under the Tribal Welfare Department, Government of Tripura. On attaining the age of

superannuation, the Petitioner retired from service on 31.10.2022. Vide a Departmental Note No.2 dated 09.02.2011, it was stated that the Board of Governors of TTWREIS, in its 7th meeting has approved the proposal for adoption of Tripura State Civil Services (Pension) Rules, 2009 for the employees of TTWREIS. From time to time, vide several Notes dated 14.08.2017, 25.07.2016, 09.05.2012, 16.08.2011 & 13.06.2011, the Finance Department, Government of Tripura expressed its inability to concur with the proposal for introduction of pension, among the employees of TTWREIS. Being aggrieved by non-grant of regular monthly pension, the Petitioner submitted a representation dated 21.06.2023, inter alia stating that the Board of Governors, TTWREIS is the competent authority to take the decision, and they have already decided to introduce pension among its employees, and further, the entire expenditure therefor would be borne by the Ministry of Tribal Affairs, Government of India, under Article 275(1) of the Constitution of India, and hence, the same would have no financial implication or burden upon the State Exchequer, Thereupon, the Petitioner requested the Respondents to release regular monthly pension, in his favour. But, the same neither fetched any response, nor, any step has been taken by the Respondents, to release the same. Pursuant to a Writ Petition [WP(C) No.645 of 2023], filed by the Petitioner, vide an Order dated 09.10.2023, the Finance Department was directed to consider the case of the Petitioner. On 25.01.2024, the Petitioner was communicated with an Order dated 16.11.2023, issued by the Finance Department, whereby the prayer of the Petitioner regarding grant of monthly pension was rejected. The Petitioner filed WP(C) No. 146 of 2024, which was withdrawn with liberty on 05.08.2024. Hence this petition.

[4] When the case is called, learned senior counsel for the petitioner submits before this court that despite repeated efforts made by the petitioner before the respondents for seeking pensionary benefits to which he is entitled, the respondents have not taken any step. Following which the petitioner has preferred a representation dated

21.06.2023 before the respondents before the respondents No.2 to 5. Accordingly, the state respondents have communicated to the petitioner that he has to approach The Tripura Tribal Welfare Residential Educational Institutions Society (in short TTWREIS) which is an autonomous body. It is contended by the respondents that the Finance Department is not the responsible party to release any such pensionary benefit and hence the same is challenged.

[5] During the course of argument Mr. P Roy Barman, learned senior counsel appearing for the petitioner submits before this court that the employer (TTWREIS) who is an autonomous body, before whom the petitioner has rendered his service, is supported by respondent no.1 (i.e. the Union of India, represented by the Secretary, Ministry of Tribal Affairs). Since the fund is released from the respondent No.1, the respondent employer would extend the benefit to the petitioner accordingly.

[6] Since the Finance Department of the state is disowning the responsibility and there is no legally enforceable responsibility upon them and further it is opined by the respondents that the petitioner needs to go before the appropriate authority seeking redressal.

[7] In view of the above circumstances, this writ petition is disposed of giving liberty to the petitioner to represent the matter before the respondent No.1 herein and also his employer who is an autonomous society. On receipt of any such representation or demand notice in this regard of the petitioner, the respondent shall take a decision with pragmatic view as early as possible preferably within a period of three months from the date of receipt of such representation or demand notice.

[8] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak