

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.571 of 2024

Sri Karna Sarkar, S/O Late Kanti Sarkar of village- Hapania, Durgapara, P.O. ONGC, P.S. Amtali, District-West Tripura, Pin-799014.

..... Petitioner(s).

VERSUS

1. The State of Tripura, represented by the Chief Secretary, Government of Tripura, New Capital Complex, Kunjaban, Agartala, West Tripura.
2. The Principal Secretary, Department of Home, Government of Tripura, New Capital Complex, Kunjaban, Agartala, West Tripura.
3. The Director General of Police, Government of Tripura, Police Headquarter, Fire Brigade Chowmuhani, Agartala, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001.
4. The Inspector General of Police, T.S.R. P.H.Q., Fire Brigade Chowmuhani, Agartala, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001.
5. The Commandant, 1 Bn, Tripura State Rifles, Gakulnagar, Sepahijala, P.O. Bishalgarh, District-Sepahijala.
6. Smt. Sita Rani Bhowmik (Sarkar), W/O Late Kanti Sarkar, resident of Vill- Karailong, P.S. Teliamura, P.O. Teliamura, District - Khowai, State-Tripura.
7. Smt. Bidhiya Sarkar, (Minor), D/O Late Kanti Sarkar, Resident of Vill- Karailong, P.S. Teliamura, P.O. Teliamura, District - Khowai, State-Tripura. (Respondent no. 7 is a minor, as such the respondent no.6 her natural mother has been representing).
8. Smt. Urmila Sarkar, D/O Late Kanti Sarkar, W/O Sri Raju Sutradhar, Resident of village-, Durgapara, P.O. ONGC, P.S. Amtali, District-West Tripura, Pin-799014.

..... Respondent(s).

For Petitioner (s) : Mr. A.K. Pal, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

ORDER

05/09//2024

Heard Mr. A.K. Pal, learned counsel for the petitioner and Mr. K. De, learned additional Government Advocate for the State-respondents.

[2] Mr. A.K. Pal, learned counsel for the petitioner at the outset very fairly submits that there is a typographical error in the spelling of the

petitioner's name in the cause title and the affidavit also where instead of "*Karan Sarkar*" it has been inadvertently typed as "*Karna Sarkar*". Learned counsel for the petitioner has referred to the mark sheet of the secondary school examination issued in favour of the petitioner at Annexure-D where the correct name is shown as "*Karan Sarkar*" son of Mrs. Mithu Sarkar and Mr. Kanti Sarkar and the date of birth is 22.10.1998. This certificate has been issued on 23.07.2021 by the National Institute of Open Schooling. He submits that the father's name has been correctly shown in the cause title as also in the affidavit portion. However, because of this inadvertent error, his claim may not be rejected by the authorities and permission may be granted to make appropriate representation once again in his correct name before the concerned respondents. It is submitted that after death of his father on 16.08.2023 while working as an Enrolled Follower i.e. Group-D staff under the Commandant, 1st Battalion of Tripura State Rifles (TSR), petitioner being the only son made an application for compassionate appointment on 14.02.2024 (Annexure-C) before the respondent No.5 with the relevant enclosures such as educational qualification certificate, birth certificate, PRTC, bank pass book, Aadhaar card, Pan card and voter ID card. Since the representation has not yet been considered and disposed of, petitioner had to approach this Court. Appropriate direction may be issued upon the competent authority/ respondent No.5 to take a decision on the representation on compassionate appointment under the applicable die in harness scheme of the Government of Tripura in accordance with law within a reasonable period.

[3] Mr. K. De, learned additional Government Advocate for the State-respondents submits that the matter has been taken up for the first time today, therefore, instructions are awaited. If the petitioner has made a representation

before the competent authority/respondent No.5 within the period stipulated as per the government policy for died in harness scheme dated 02.03.2019, appropriate direction may be issued upon the competent authority to decide his representation in accordance with law after making all necessary inquiries. He submits that the petitioner may submit proof of all relevant documents showing correct spelling of his name before the competent authority to avoid any confusion.

[4] Having regard to the facts and circumstances noted above, this Court is of the opinion that instead of entering into the merits of the case of the petitioner at this stage, since the representation of the petitioner is pending, the competent authority/respondent No.5 would consider and decide upon such representation in accordance with law within a reasonable period, preferably within 12 (twelve) weeks from the date of receipt of a copy of this order. Since petitioner claims to have made a representation on 14.02.2024 before the respondent No.5, he may produce all relevant documents before the concerned authority to substantiate his claim including the issue of correct name of the petitioner within the same time.

[5] Accordingly, the instant petition is disposed of. Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH), CJ