

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 588 of 2024

Smt. Dhanantari Chakma

..... Petitioner

Vs.

State of Tripura and others

.....Respondents

For Petitioner(s) : Mr. TD Majumder, Sr. Advocate
Mr. T. Halam, Advocate

For Respondent(s) : Mr. Kohinoor N. Bhattacharyya, G.A.
Mr. M. Debbarma, Addl. G.A.
Mr. D. Sarkar, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

26.09.2024

Heard learned counsel appearing for the parties.

[2] It is the case of the petitioner that by an order dated 29.04.2024, the Division Bench of this Court in WA 34 of 2024 gave liberty to the petitioner to approach the competent authority and make a proper representation with supporting facts and documents within 3 weeks from the date of Judgment to decide her claim in accordance with law. By the said order, it was also directed that if such representation would be made by the petitioner, the competent authority under the respondent-department would consider the case of the petitioner in accordance with law within a reasonable time preferably within 12(twelve) weeks. Thereafter, representation was submitted by the petitioner on 27.05.2024 and the competent authority through its letter dated 23.07.2024 informed the petitioner herein that her representation could not be considered since she had not submitted her representation within a period of three weeks from

the date of the aforesaid order of the Division Bench of this Court i.e. on 29.04.2024.

[3] Mr. TD Majumder, learned senior counsel assisted by Mr. T. Halam appearing for the petitioner submits that the Certified Copy was obtained by the petitioner spending 8 days and thereafter, upon receipt of certified copy on 07.05.2024, representation was submitted on 27.05.2024. In that process, 21 days has been passed in making the representation. The Competent authority rejected the representation without considering it on mere technicalities despite the petitioner was diligent in obtaining certified copy and submitted representation. He further contends that the submission of representation by the petitioner was on time, if the period to obtain certified copy of the order of this Court was calculated. Due to this arbitrary act of the competent authority, a serious miscarriage of justice has occurred. It is contended on behalf of the petitioner that aggrieved by the arbitrary action of the competent authority, this present petition has been preferred.

[4] In view of the above submissions made on behalf of the petitioner, since the facts contended in the affidavit are also not disputed by the respondents, this Court feels that the concerned respondents be directed to consider the case of the petitioner in the light of her representation dated 27.05.2024 in accordance with law. As a result, the impugned letter dated 23.07.2024 is liable to be set aside and accordingly, the same is quashed.

With the above observation, the present writ petition is disposed of directing the concerned respondents to consider the case of the petitioner in the light of her representation dated 27.05.2024 and thereafter, pass an order in accordance with law. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

JUDGE

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