

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 619 of 2024

Shri Tushar Kanti Sen

.....Petitioner(s)

Versus

The State of Tripura & Ors.

.....Respondent(s)

For Petitioner(s)	:	Mr. P Roy Barman, Sr. Advocate Ms. A. Debbarma, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA. Mr. S. Saha, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

26.09.2024

This present 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 a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to refix the pay of the Petitioner, w.e.f. 21.07.2008 notionally as per 12th amendment(Grade Pay) ROP, 2017, w.e.f. 01.04.2017 & ROP 2018, w.e.f. 01.10.2018 and to enter the same in the Service Book of the Petitioner

(II) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to provide the Petitioner benefit of MACP-II after completion of 17 years of continuous service

(III) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to sanction & release regular monthly pension in favour of the Petitioner from the date of retirement.

(IV) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to sanction & release the full and final payment of Gratuity with 9% Interest for deferred payment from the date it has become due till the date of actual payment.

(V) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to sanction & release all other consequential pecuniary benefits to which the Petitioner became entitled post revocation of his suspension order.

(VI) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to treat the period of suspension spent as period spent on duty for all purposes by the Petitioner and release full pay and salary for said period in favour of the Petitioner, after adjusting the lump sum amount already paid.

(VII) Make the Rules absolute.

(VIII) Call for records....."

[2] Heard learned counsel appearing for the parties.

[3] During the course of argument, Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel submits that on 09.07.2024, the petitioner made a representation before the concerned respondents forwarding the order dated 22.03.2024 of this Court in WP(C) 225/2024 regarding his claims for due of pensionary benefits. Thereafter, the concerned respondent issued notice dated 22.07.2024 requesting the petitioner to appear before the Director of Panchayats on 26.07.2024 at 4 pm for personal hearing and accordingly, the petitioner appeared. But, since then, no communication/order has been made from the end of respondent(s) to the petitioner regarding his claim. Aggrieved thereby, the petitioner has approached this Court. This submission made on behalf of the petitioner has not been disputed by the respondents.

[4] In view of the above submission made on behalf of the petitioner, without expressing any opinion on the merits of the case, this writ petition is disposed of directing the concerned respondents to issue an order with regard to the claims of the petitioner as contended in his representation dated 22.03.2024 and communicate the same to

the petitioner *within a period of two weeks from the date of receipt of the copy of this Court, if the decision has already been taken in this regard.*

[5] If the case of the petitioner has been kept pending till now, the concerned respondents are directed to consider the same in the light of the representation of the petitioner dated 22.03.2024 in accordance with law and pass appropriate order in this regard and communicate the same to the petitioner. This exercise would be completed as expeditiously as possible, preferably *within a period of one month from the date of receipt of the copy of this order.*

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

JUDGE

