

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.135 of 2022

- 1. The State of Tripura**, represented by the Chief Secretary to the Government of Tripura, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin-799006.
- 2. The Secretary to the Government of Tripura**, Social Welfare & Social Education Department, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin-799006.
- 3. The Addl. Director of Social Welfare & Social Education**, Government of Tripura, Civil Secretariat, P.O. Kunjaban, 799006.
- 4. The Secretary to the Government of Tripura**, Department of Finance, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin- 799006.
- 5. The Director of Social Welfare & Social Education**, Government of Tripura, having its office at Abhoynagar, P.O. Abhoynagar, Agartala, Dist. West Tripura.
- 6. The Addl. Director of Social Welfare & Social Education**, Government of Tripura, having its office at Abhoynagar, P.O. Abhoynagar, Agartala, Dist. West Tripura.
- 7. The Child Development Project Officer**, ICDS Project, Khowai, District Khowai Tripura.

....Respondent-Appellants

Versus

- 1. Smt. Smriti Rani Acharjee**, W/O Shri Umesh Chandra Acharjee, resident of Singhichara P.O. & P.S. Khowai, Dist. Khowai Tripura.

..Petitioner –Respondent

- 2. The Accountant General, Tripura**, MalanchaNivas, P.O. Kunjaban, P.S. East Agartala, District- West Tripura.

....Proforma Respondent

WA No.136 of 2022

- 1. The State of Tripura**, represented by the Chief Secretary to the Government of Tripura, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin-799006.
- 2. The Secretary to the Government of Tripura**, Social Welfare & Social Education Department, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin-799006.
- 3. The Addl. Director of Social Welfare & Social Education**, Government of Tripura, Civil Secretariat, P.O. Kunjaban, 799006.

4. The Secretary to the Government of Tripura, Department of Finance, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin- 799006.

5. The Director of Social Welfare & Social Education, Government of Tripura, having its office at Abhoynagar, P.O. Abhoynagar, Agartala, Dist. West Tripura.

6. The Addl. Director of Social Welfare & Social Education, Government of Tripura, having its office at Abhoynagar, P.O. Abhoynagar, Agartala, Dist. West Tripura.

7. The Child Development Project Officer, ICDS Project, Khowai, District Khowai Tripura.

....Respondent-Appellants

Versus

1. Smt. Swapna Deb (Debnath), W/O Shri Manik Lal Debnath, resident of Bhati Abhoynagar (Vitr Ban), P.O. Agartala, P.S. West Agartala, Dist. West Tripura.

..Petitioner –Respondent

2. The Accountant General, Tripura, Malancha Nivas, P.O. Kunjaban, P.S. East Agartala, District- West Tripura.

....Proforma Respondent

WA No.137 of 2022

1. The State of Tripura, represented by the Principal Secretary to the Government of Tripura, Social Welfare & Social Education Department, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin-799006.

2. The Director of Social Welfare & Social Education, Government of Tripura, having its office at Abhoynagar, P.O. Abhoynagar, Agartala, Dist. West Tripura.

3. District Inspector of Social Education, Govt. of Tripura, having its office at Bishalgarh, P.O. Bishalgarh, Dist. Sepahijala Tripura.

....Respondent-Appellants

Versus

Smt. Putul Rani Saha, W/O Shri Kshitish Chandra Saha, resident of Ambagan, Bishalgarh, P.O. & P.S. Bishalgarh, Dist. Sepahijala Tripura.

..Petitioner –Respondent

WA No.141 of 2022

1. The State of Tripura, represented by the Principal Secretary to the Government of Tripura, Social Welfare & Social Education Department, Civil Secretariat, Capital Complex, P.O. Kunjaban, P.S. East Agartala, Dist. West Tripura, Pin-799006.

2. The Director of Social Welfare & Social Education, Government of Tripura, having its office at Abhoynagar, P.O. Abhoynagar, Agartala, Dist. West Tripura.

3. District Inspector of Social Education, Govt. of Tripura, having its office at Bishalgarh, P.O. Bishalgarh, Dist. Sepahijala Tripura.

....Respondent-Appellants

Versus

Smt. Tapasi Debbarma, W/O Shri Amal Chandra Saha, resident of Raghunathpur, P.O. & P.S. Bishalgarh, Dist. Sepahijala Tripura.

..Petitioner –Respondent

For Appellant(s)	:	Mr. M. Debbarma, Addl. GA
For Respondent(s)	:	Mr. T.D. Majumder, Sr. Advocate Mr. S. Das, Advocate Mr. D. Kalai, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

ORDER

04.07.2024

Heard Mr. M. Debbarma, learned Addl. GA appearing for the appellants-State. Also heard Mr. S. Das, learned counsel appearing for the respondent in WA No.135 of 2022 and WA No.136 of 2022 and Mr. T.D. Majumder, learned senior counsel assisted by Mr. D. Kalai, learned counsel appearing for the respondent in WA No.137 of 2022 and WA No.141 of 2022.

Since common questions of law and facts are involved in all the writ appeals, these are taken up together for hearing and disposal on consent of learned counsel appearing for the parties.

WA No.135 of 2022 and WA No.136 of 2022 have been preferred by the State of Tripura against the impugned judgment and order dated 31.03.2022 passed by a learned Single Judge in WP(C) No.295 of 2022 and WP(C) No.294 of 2022 respectively. WA No.137 of 2022 and WA No.141 of 2022 have been filed against the impugned judgment and order dated 20.01.2022 passed by the learned Single Judge in WP(C) No.427 of 2021 and WP(C) No.424 of 2021 respectively.

The direction of the learned Single Judge leading to the filing of the above writ appeals is that the writ petitioners being School Mothers are entitled to get

pension and other retiral benefits from the date they had joined as School Mothers under the respondents.

Mr. Debbarma, learned Addl. GA appearing for the appellants submits that the post of School Mother comes under the purview of a Scheme which stipulates that if a School Mother completes 10(ten) years of regular service, then, her past service would not be counted. However, during the course of hearing, he failed to furnish any such Scheme, particularly relating to School Mothers.

This Court while deciding the issue of similarly situated School Mothers had passed so many judgments/orders wherein the respondents were directed to count the past service rendered by School Mothers irrespective of their nature of employment on contractual or temporary basis. In the case of ***Mamata Rani Roy(Saha) vs. State of Tripura and Ors.*** in ***WP(C) No.77 of 2015***, a Division Bench of this Court was pleased to direct providing retiral benefits and/or pensionary benefits by adding the period of contractual service rendered by the petitioner prior to her regularization to the post.

We have also perused the judgment and order passed by the Division Bench of this Court in ***Mamata Rani Roy(Saha) (supra)*** confirming the order of the learned Single Judge directing to add the period of service they rendered on temporary basis or on fixed pay basis along with the period of their regular service for the purpose of granting pension and other retiral benefits.

This well-settled principle cannot be disputed by the State-appellant. The position of the writ petitioners/respondents is similar and identical to the facts of the case of ***Mamata Rani Roy(Saha) (supra)***.

In view of this, we find no merit in the above writ appeals. Accordingly, all the writ appeals stand dismissed.

Pending application(s), if any, also stands disposed.

JUDGE

JUDGE

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