

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.614 of 2023

Sourasikha Acharjee, aged 25 years, daughter of late Subrata Acharjee, resident of East Shivanagar, Near Anik Club, P.O. Agartala College, P.S. East Agartala, District- West Tripura, Pin-799004.

..... *Petitioner(s)*

V E R S U S

1. The State of Tripura, represented by the Secretary, Department of Finance, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, Pin-799010.
2. The Secretary, Power Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, Pin-799010.
3. Tripura State Electricity Corporation Limited (TSECL) to be represented by the Chairman cum Managing Director, TSECL, Banamalipur, Agartala.
4. The Chairman cum Managing Director, Tripura State Electricity Corporation Limited, Bidyut Bhavan, Banamalipur, P.S. East Agartala, District- West Tripura.
5. The Deputy General Manager (Corporate), Corporate Office, TSECL, Agartala, Tripura, West.
6. The Sr. Manager, Electrical Sub-Division No: VI, Bardowali, Tripura.

..... *Respondent(s)*

For Petitioner(s) : Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.,
Mr. K. Deb, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Date of argument and delivery of Judgment & Order : 6th September, 2024

JUDGMENT & ORDER (ORAL)

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner and also heard Mr. K. Deb, learned counsel appearing for the respondent-TSECL.

[2] Petitioner's father died while working as a Group-D employee under the respondent-Tripura State Electricity Corporation Limited (*TSECL*, for short) on 4th June, 2020. Earlier, he was under deputation from the Power

Department in the Corporation but his services got absorbed and regularized in Group-D on 27th December, 2010. Her representations for compassionate appointment under the die-in-harness scheme were not heeded to. Therefore, she was compelled to approach this Court.

[3] Learned counsel for the petitioner, Ms. A. Debbarma submits that petitioner is the legal heir and daughter of the deceased employee who is also survived by his widow. Survival Certificate, certificate of educational qualification and other eligibility criteria have already been submitted before the respondent authorities. Therefore, petitioner should be entitled to the benefit of die-in-harness scheme prevalent under the Government of Tripura vide notification dated 2nd March, 2019 (Annexure-12).

[4] On the other hand, learned counsel for the respondent-TSECL relies upon the averments in the counter affidavit and submits that the averments as regards the death and status of the petitioner's father under TSECL are not in dispute but there are no die-in-harness schemes applicable under the TSECL. TSECL is a body corporate in itself. The die-in-harness scheme of the Government of Tripura dated 2nd March, 2019 is not applicable to TSECL employees. Therefore, the claim of compassionate appointment cannot be considered by the respondent-Corporation in the absence of the scheme. He submits that compassionate appointment being an exception to the general rule of public employment under Article 14 and 16 of the Constitution of India, any consideration can only be made on the basis of the scheme framed and applicable under the employer organization. He submits that in similar circumstances, this Court had in case of *Sri Uttam*

Kumar Paul versus State of Tripura and others in WP(C) No.492 of 2024

vide judgment dated 25th July, 2024 declined to grant relief to the dependent of deceased employee under the Corporation as there was no such scheme for compassionate appointment prevalent in the Corporation and that the die-in-harness scheme of Government of Tripura does not apply to the Corporation and its employees.

[5] I have considered the submissions of learned counsel for the parties and taken note of the relevant facts pleaded from record. Facts relating to the status of the petitioner's father who was absorbed in the services of the Corporation on 27th December, 2010 in Group-D and his death on 4th June, 2020 in harness are not in dispute. However, since there is no die-in-harness scheme in vogue in the Corporation, the respondents cannot be directed to consider and grant compassionate appointment to the petitioner in the absence of such a scheme. This Court in the case of ***Sri Uttam Kumar Paul*** (supra) has also taken the same view in respect of dependent of the deceased employee in the Corporation. As such, in the absence of a legally enforceable right and no compassionate appointment scheme in vogue in the Corporation, no relief can be granted to the petitioner.

[6] Accordingly, the instant writ petition is dismissed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ