

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 785 of 2023

Swadesh Paul

---Petitioner(s)

Versus

The State of Tripura and 2 Ors.

---Respondent(s)

For Petitioner(s)	:	Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, Sr. Advocate. Mr. S. Saha, Advocate.
Date of hearing and date of judgment and order	:	11.09.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner and also heard Mr. D. Bhattacharjee, learned senior counsel appearing for the respondents.

[2] This is a petitioner under Article 226 of the Constitution of India seeking the following relief(s):

- (i) *Issue Rule upon the Respondents to show cause as to why 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 incorporate/include the name of father of the Petitioner, in the Dependent Family Members List and consequential entry thereof in his Service Book maintained by the Respondent Nos. 1 to 4 herein & to quash & cancel the impugned letter, dated, 26.09.2019, issued by the Respondent No.4.*
- (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 act in compliance and true spirit of OM No. S.11012/12/2016-CGHS(P), dated, 08.11.2016, issued by the Ministry of Health & Family Welfare, Govt. of India, by incorporating the name of Sri Biswanath Bhowmik, father of the Petitioner, in his service book under the head of 'Dependent Family Members List'.*
- (iii) *Make the rules absolute.*
- (iv) *Call for records.*
- (v) *Pass any further Order/Orders as this Hon'ble High Court considered fit and proper.*

[3] It is the case of the petitioner that the petitioner is serving as Assistant Professor, Department of Electronics and Communication Engineering, Tripura University (in short TU). The petitioner is genuinely entitled to incorporate his father's name in the Dependent Family Members List and consequential entry thereof in his Service Book, in terms of letter and spirit of OM No. S.11012/12/2016-CGHS(P), dated, 08.11.2016, issued by the Ministry of Health & Family Welfare, Govt. of India. The petitioner submitted several representations, on 20.03.2020, 05.02.2021 & 03.11.2022 before the respondents which failed to evoke any response. The respondents Nos. 1 to 4 adopted a deaf & dumb procedure over the bonafide claim of the petitioner. Thereafter, the petitioner through his engaged counsel issued legal notice upon the respondents, but till date there is no response of the same. It is further contended by the counsel for the petitioner that the respondents by the impugned letter dated 26.09.2019 have not considered the plea of the petitioner and the respondents have failed to give any reason order for not considering the case of the respondents. Hence, the instant writ petition filed by the Petitioner.

[4] On the contrary, Mr. D. Bhattacharjee, learned senior counsel appearing for the respondents has submitted before this court that impugned letter is just and proper and does not need any interference from this court.

[5] Having considered the submission as advanced by the counsel for the parties and also having perused the record, this Court finds that the impugned letter dated 26.09.2019 passed by the respondents is without showing any proper reason. Hence, this court is of the opinion that a fresh reasoned order needs to be passed to meet proper ends of justice. Accordingly, the impugned order 26.09.2019 is set aside. It is also made clear that such exercise of passing the reasoned order shall be executed as expeditiously as possible, preferably within three months from the date of receipt of the copy of this order.

[6] In view of the above discussion, the impugned letter dated 26.09.2019 is set aside and this Court remands back the matter to the respondents to pass a reasoned order.

[7] With the above observation and direction, the petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

