

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.14 OF 2025**

Smt. Pramila Goswami and anr.

.....Petitioner(s)

Versus

The State of Tripura and ors.

.....Respondent(s)

For the Petitioner(s) : Mr. Sankar Lodh, Advocate.

For the Respondent(s) : Mr. M. Debbarma, Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 13.02.2025.

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

Heard Mr. Sankar Lodh, learned counsel appearing for the petitioners, as well as Mr. M. Debbarma, learned Addl. G.A. appearing for the official respondents.

2. The brief facts of this case are that the husband of the petitioner No.1 died-in-harness during service. Under the die-in-harness scheme, the petitioner was granted a compassionate appointment and is currently in service. However, since the death benefits such as gratuity, encashment, and other entitlements have not been paid to her, she, through her Advocate, submitted a

request letter dated 30.09.2024. As there was no response, the present writ petition has been filed.

3. Mr. Lodh, learned counsel for the petitioners, argued that as per Rule 54 of the Pension Rules, Sub-rule 11, only the husband and wife are entitled to the pension. Since his client is the widow of the deceased employee, no one else can be considered for granting the pension. Therefore, the official respondents' request that his client obtain an undertaking from her mother-in-law, i.e., the unofficial respondent, is misplaced and contrary to the rule. Regarding gratuity, Rules 50, 51, and 53 of the CCS (CCA) Rules provide entitlement to his client. Additionally, Rule 5 of the GPF Rules states that if a nominee exists, the benefits should be given to the nominee, and if there is no nominee, the amount should be distributed among the legal heirs. In this case, the petitioners has produced a survival certificate, which demonstrates that there are three legal heirs i.e., herself, her child, and her mother-in-law. Hence, the benefits should be disbursed among them. Similarly, leave salary should be distributed among the legal heirs. As for her status as a widow, the official respondents have already granted her a job under the die-in-harness scheme, treating her as the widow of the deceased employee. Therefore, there is no dispute regarding her status. The respondents have ignored the statutory provisions

enshrined in the relevant rules, and their reply contradicts these rules.

4. Mr. M. Debbarma, learned counsel appearing for the official respondents (*employer of the deceased husband of the petitioner*), contended that during the course of the writ petition, the respondents issued a communication dated 13.01.2025. In light of this development, no relief can be granted in this writ petition, and he prayed for its dismissal.

5. Heard both sides and perused the evidence.

6. During the course of arguments, Mr. S. Lodh, counsel for the petitioner, drew the Court's attention to the relevant legal provisions. He further contended that since the unofficial respondent No. 3 (*the mother-in-law*) has not been cooperating and has driven the petitioners out of her house, the petitioners has approached this Court seeking the benefits as per the statutory provisions.

7. Admittedly, the present writ petition has been filed before any impugned order was passed by the respondents. The prayer in the writ petition are as follows:-

"(i) ISSUE RULE calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for calling for the records, lying with the officials respondents, for rendering substantial and conscionable justice to the petitioner;

(ii) ISSUE RULE calling upon the respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, mandating/directing the respondents to pay one third each of the death cum retirement benefits, viz. (a) Group Insurance, (b) Death cum Retirement Gratuity, (c) Leave Salary, and (d) General Provident Fund, and 27 days unpaid salary w.e.f. 01.06.2022 to 27.06.2022 to the petitioners and Pro-respondent No.3, and also pay family pension to the petitioner No.1, for the death of Biswajit Sharma, LDC served under respondent No.2

(iii) After hearing the parties, be pleased to make the Rules absolute in terms of Prayers (i) and (ii) above;

AND/OR

(iv) Any other relief(s) as to this Hon'ble High Court may deem fit and proper;"

8. Since the respondents failed to consider the petitioners case, the present writ petition has been filed. During the pendency of the writ, the communication dated 13.01.2025 came to light through the counter-affidavit. In this communication, the respondents have categorically stated that the matter is under process. They have forwarded the case to the concerned authority for approval, and a decision is awaited. Meanwhile, the petitioners and other claimants were directed to approach the concerned authority with appropriate documents.

9. In light of the latest communication dated 13.01.2025; it would be just and proper, in the interest of justice, for the petitioners to present her contention with supporting documents before the official-respondents. Upon receiving the necessary documents to their satisfaction, the respondents shall consider the claim in accordance with the law.

10. Accordingly, the writ petition is disposed of with a direction to the petitioners to approach the official-respondents in terms of the letter dated 13.01.2025, along with a copy of this Court's order. The official-respondents, upon receiving such representation, shall pass a speaking order in accordance with the law within a period of 2(two) months from the date of receipt of the such representation as per law shall extend the benefits to the petitioners and respondent No.3 (mother of the deceased employee) as per their respective shares, rights, and entitlements.

11. In view of the above, the present writ petition is disposed of. As a sequel, any stay order, if in effect, stands vacated. Any pending application(s), if any, also stand closed.

JUDGE

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