

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.45 of 2025**

Mrs. Taniya Aktar,
W/o Late Jalil Miah, Resident of Town Sonamura,
Ward No.21, Udaipur Municipality,
P.S. & P.O: R.K Pur, Gomati District, Tripura.
....Petitioner(s)

Versus

- 1. The State of Tripura** to be represented by
the Secretary, Home Affairs, Government of Tripura,
Secretariat, New Capital Complex, Kunjaban,
Agartala, Pin: 799010.
- 2. The Director General of Police,**
Government of Tripura, Police Head Quarters,
Agartala, Pin: 799001.
- 3. The Superintendent of Police (GRP),**
Government of Tripura A.D. Nagar, Agartala,
West Tripura, Pin: 799010.
- 4. Mrs. Julekha Bibi,**
W/o Mohan Miah, Resident of Town Sonamura,
Ward No.21, Udaipur Municipality,
P.S. & P.O: R.K. Pur, Gomati District, Tripura.
....Respondent(s)

For Petitioner(s)	:	Mr. Purusuttam Roy Barman, Sr. Adv.
	:	Mr. Dipjyoti Paul, Adv.
	:	Mr. Mihirlal Roy, Adv.
For Respondent(s)	:	Mr. K. De, Addl. G.A.
	:	Mr. Sankar Lodh, Adv.
	:	Mr. Subham Majumder, Adv.
Date of hearing and delivery of Judgment & Order	:	10th April, 2025.
Whether fit for reporting	:	NO

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)**

Heard Mr. Purusuttam Roy Barman, learned senior
counsel appearing for the petitioner. Also heard Mr. K. De,
learned Addl. G.A. appearing for the State-respondent nos.1 to 3

as well as Mr. Sankar Lodh, learned counsel appearing for the respondent no.4.

[2] The allegation of the petitioner in brief as canvassed in the petition is that her husband Jalil Miah was working as a Constable under Tripura Police and was posted in the office of the Superintendent of Police (GRP), Government of Tripura. While in service, he died his natural death on 23.01.2024 leaving behind him the present petitioner (wife), respondent no.4 (mother) and one Ms. Afrin Akthar, (minor daughter aged about 4 years).

[3] According to Mr. Roy Barman, learned senior counsel, the daughter of the deceased is living with her mother and after the death of said Jalil Miah, the petitioner having academic qualification of (HS+2) passed, applied for job under Die-In-Harness Scheme on 07.03.2024, but till date same has not been provided as her mother-in-law i.e. the respondent no.4 did not issue 'no objection certificate' in her favour. The petitioner also again approached the respondent no.3 for such compassionate appointment by her letter dated 05.08.2024, but in turn, the respondent no.3 vide letter dated 19.09.2024 asked her to obtain undertaking from the family members of the deceased for processing the family pension, gratuity, leave salary etc. Anyway, as mother-in-law, according to the petitioner, did not issue the no objection certificate, ultimately she did not get any financial benefit nor she got any job under Die-In-Harness Scheme and hence the present writ petition has been filed.

[4] Mr. Roy Barman, learned senior counsel submits that the respondent no.4 is now 48 years old and, therefore, she cannot apply for any job under Die-In-Harness Scheme, but despite the same she was not issuing any no objection certificate in favour of the petitioner despite the fact that the petitioner has already furnished an undertaking to the department that she would maintain her mother-in-law after getting such job.

[5] Mr. Roy Barman, learned senior counsel also submits that as per the scheme itself, the petitioner is duty bound to maintain her mother-in-law and moreover, she has no objection regarding distribution of post death service benefits of the deceased to all the dependent legal representatives in accordance with law.

[6] Mr. K. De, learned Addl. G.A. for the State respondents submits that due to non-furnishing of necessary documents, the department is not in a position to process the matter and after such documents are submitted by the parties, the matter will be processed as per Rules.

[7] Mr. Sankar Lodh, learned counsel for respondent no.4, on the other hand, submits that there was very strained marital relationship between deceased Jalil Miah and the petitioner and even she had grown some extra marital relationship with another person and thrice she left her matrimonial home without informing anybody and even at the time of death of the deceased she was not in her matrimonial home and, therefore, the mother-in-law has certain grievances against the present petitioner in

issuing said no objection certificate. However, Mr. Lodh, learned counsel further submits that if the petitioner undertakes to maintain the respondent no.4, she will have no objection in issuing such certificate. Mr. Lodh, learned counsel also urges for disbursement of other post death service benefit of Jalil Miah to the dependent legal representatives as per rules.

[8] According to Mr. Lodh, learned counsel, earlier the deceased husband of the petitioner filed one case for restitution of his conjugal rights bearing no. Title Suit (RCR) No.17 of 2020 before the Judge, Family Court, Udaipur, Gomati Tripura District which was pending at the time of death of the deceased.

[9] This court has considered the rival submissions and also taken note of all the documents submitted by the parties in the petition.

[10] It appears that for certain reasons, relationship between the mother-in-law and the petitioner has become unpleasant to some extent and, therefore, such 'No Objection Certificate' was not issued by the mother-in-law till date. However, during hearing, it has been clarified by Mr. Lodh, learned counsel that she has now no objection in issuing such 'No Objection Certificate' in favour of the petitioner provided that an undertaking is to be executed by the petitioner to the effect that she would maintain respondent no.4 after getting such job under the Scheme and will co-operate in proper distribution of all the post death financial benefits of Late Jalil Miah to the persons entitled to it as per Rules.

[11] What appears is that there might have some conjugal disputes between the petitioner and her husband which even resulted in filing of one petition for restitution of conjugal rights by the husband. Both of them might have some grievances against each other, but fact remains there was no dissolution of their marriage tie and, therefore, a valid marriage was subsisting between them till the date of death of Late Jalil Miah. Even said Jalil Miah intended to get the petitioner back in his life and, therefore, at the time of death of Jalil Miah, the petitioner was having the status of a legally married wife.

[12] In view of the submission of Mr. Lodh, learned counsel that respondent no.4 has no objection in granting any job under Die-In-Harness Scheme in favour of the petitioner, there is no further necessity to insist for such 'no objection certificate' to be executed by the respondent no.4. Rather, for all practical purposes, it will be deemed that respondent no.4 has issued such certificate.

[13] Now, therefore, considering all aspects, respondent nos. 1 to 3 are directed to consider the application of the petitioner for providing her job under Die-In-Harness Scheme in accordance with the provision of said Scheme for Compassionate Appointment/Benefit for Government Employees of Tripura issued vide notification dated 02.03.2019 after all other necessary documents are submitted by her, treating that such no-objection is already issued by respondent no.4. The department will however obtain proper undertaking in prescribed

format from the petitioner in terms of Clause 14 of that Scheme to the effect that she would be duty bound to maintain the family members of the government servant in case such compassionate appointment is provided to her. Needless to say, if after getting any such appointment, the petitioner defaults in her such undertaking, the appropriate authority of the State-respondents will be at liberty to take any such action against the petitioner in accordance with law/rules. The State-respondents shall also take further necessary steps for disbursement of other post death service benefits of the deceased including family pension, gratuity to the eligible persons as per Rules on submission of other related documents and observance of other codal formalities. Entire exercise should be completed by the State-respondents within 12 (twelve) weeks on submission of other required documents.

It is also informed by learned Addl. G.A. that necessary application for such compassionate appointment has not been submitted in prescribed format by the petitioner. Therefore, liberty is given to the petitioner to submit the same in prescribed format immediately which will be treated as continuation of her previous application submitted in this regard.

In terms of the above, the writ petition is disposed of.

Pending application(s), if any, shall also stand disposed of.

Sd/-

**SATABDI
DUTTA**

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JUDGE