

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WA. No.92 of 2024

Payel Das

.....Appellant

_V_E_R_S_U_S_

The State of Tripura & Others

.....Respondents

For Appellant(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

_F_I_N_A_L_O_R_D_E_R_

29.04.2025

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the appellant also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

[2] The present appeal has been filed under Rule-B(A) of Chapter-VIII of the High Court Rules, 2023 read with Article-226 of the Constitution of India read with Tripura High Court Rules, 2023, as applicable, against the order dated 02.05.2024 passed by the learned Single Judge in connection with WP(C) No.30 of 2024.

[3] The appellant has prayed for following reliefs:

- a. Admit the appeal,
- b. Call for the records.
- c. After hearing both the parties, set aside the order, dated 02.05.2024 passed in WP(C) No.30/2024 by the L'd Single Judge and allow the writ appeal by directing the respondents to give the petitioner compassionate appointment under Die-in-harness Scheme."

[4] The facts in brief are that the father of the appellant namely, late Pramod Chandra Das was serving as Group-D, under Education Department and was posted at Khowai Govt. Girls H.S. (+2 Stage) School. All on a sudden Pramod Chandra Das, died in harness on 14.02.2016 leaving behind the petitioner, appellant herein and the daughter, namely, Smti. Priyanka Das. Smti. Priyanka Das on affidavit, stated that she has no objection if compassionate appointment under Die-in-harness Scheme is given to the appellant herein. Subsequently, the appellant

applied for compassionate appointment but till today she has not been offered with compassionate appointment.

[5] Hence, the present appeal has been filed by the appellant before this Court for redress.

[6] Since the present appeal is filed without there being any impugned order, the same is not maintainable. However, the representation dated 18.05.2023 and the request made by the appellant was pending and aggrieved by the said action of the respondent authorities, writ petition was filed and the same was subsequently decided by the learned Single Judge. This Court feels that it is for the authority to take a decision with regard to whether the appellant is entitled for any relief as prayed for or not. If the same is decided in the writ petition the appellant would be deprived of one litigation opportunity to challenge. No impugned order is passed and no decision is under challenged. Therefore, writ of mandamus, seeking a direction cannot be entertained.

[7] Accordingly, this Court is not inclined to go into the contents of the judgment passed by the learned Single Judge and directs the respondent authorities to take a decision without referring the order passed by the learned Single Judge in accordance with law as well as any departmental instructions or any guidelines if they would wish to follow.

[8] In view of above and having heard the learned counsel appearing for the parties, this Court is of the opinion that ends of justice would be met, if the matter is remitted back to the respondent authorities with a direction to consider the representation dated 18.05.2023 and any other application made by the appellant seeking compassionate appointment in accordance with law and departmental guidelines. A decision taken be communicated to the appellant. The entire exercise may be completed within a period of three months from the date of receipt of the copy of this order.

[9] In view of the above observations, the present appeal stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

ANJAN GHOSH Digitally signed by ANJAN GHOSH
Date: 2023.11.14 14:08:45 +05'30'

