

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WA.No.126 of 2024

Sri Uttam Kumar Paul

.....Appellant

_V_E_R_S_U_S_

The State of Tripura and 3 Others

.....Respondents

For Appellant(s)	:	Mr. S. Mallik, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, G.A. Mr. B. N. Majumder, Sr. Advocate. Mr. K. Deb, Advocate.

Date of hearing and delivery	:	
of judgment and order	:	14.05.2025
Whether fit for reporting	:	NO

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

Heard.

[2] The present writ appeal has been filed under Chapter-VIII, Rule-B(A) of the High Court of Tripura Rules, 2023 against the judgment and order dated 25.07.2024 passed by the learned Single Judge in connection with WP(C) No.492 of 2024.

[3] The facts in brief are that the petitioner, the appellant herein, contended before the learned Single Judge that his mother died as a regular employee of the respondent Tripura State Electricity Corporation Ltd. [for short, TSECL]. The mother of the petitioner was transfer on deputation from the power department of Govt. of Tripura with other employees of power department Govt. of Tripura at the time of creation of corporation w.e.f. 01.01.2005. The employees of power department who were sent on deputation under the corporation were covered under the die-in-harness scheme as per memorandum dated 01.06.2005 issued by the General Administration (P&T) Department, Govt. of Tripura and by this memo the petitioner also similarly situated who have been transferred on deputation from the power department by G.O. No. 1 issued by Secretary, Power, Govt. of Tripura dated 28-12-2004.

[4] The petitioner also relied upon the judgment rendered by the Division Bench of this Court in Case of Sri Subash Sarkar Versus The State of Tripura & Others in W.A. No. 70 of 2018 dated 15-07-2019 by which, the Ld. Division Bench observed that the decision of the Government vide G.O. No. 1. dated 28-12-2004 entitled to be considered for compassionate appointment under the State Prevalent die-in-harness scheme to the survivor of Manindra Sarkar who was DRW deputed to TSECL from power department, Govt. of Tripura and an order of Hon'ble Supreme Court of India passed in SLP(C) No. 2185-2186/2021 Arising out of W.A. No. 70 of 2018 dated 06.10.2023 confirmed the order of the aforesaid Writ Appeal No. 70 of 2018. The petitioner also contended that he is a similarly situated like the petitioner of aforesaid writ appeal, but the case of the petitioner was not consider by the learned Single Judge while passing the judgment and order and as such being aggrieved the appellant filed this appeal.

[5] It is seen from the record that the petitioner, the appellant herein, contended before the learned Single Judge that his mother died as a regular employee of the respondent Tripura State Electricity Corporation Ltd. (TSECL). The mother of the petitioner was transfer on deputation from the power department of Govt. of Tripura with other employees of power department Govt. of Tripura at the time of creation of corporation w.e.f. 01-01-2005. The employees of power department who were sent on deputation under the corporation were covered under the die-in-harness scheme as per memorandum dated 01-06-2005 issued by the General Administration (P&T) Department, Govt. of Tripura and by this memo the petitioner also similarly situated who have been transferred on deputation from the power department by G.O. No. 1 issued by Secretary, Power, Govt. of Tripura dated 28-12-2004.

[6] The petitioner also relied upon the judgment rendered by the Division Bench of this Court in Case of Sri Subash Sarkar Versus The State of Tripura & Others in W.A. No. 70 of 2018 dated 15-07-2019 by which, the Ld. Division Bench observed that the decision of the Government vide G.O. No. 1 dated 28-12-2004 entitled to be considered for compassionate appointment under the State Prevalent die-in-harness scheme to the survivor of Manindra Sarkar who was DRW deputed to TSECL from power department, Govt. of Tripura and an order of Hon'ble Supreme Court of India passed in SLP(C) No. 2185-2186/2021 Arising out of W.A. No. 70 of 2018 dated 06-10-2023 confirmed the order of the aforesaid Writ

Appeal No. 70 of 2018. The petitioner also contended that he is a similarly situated like the petitioner of aforesaid Writ Appeal.

[7] It was the contention of the learned senior counsel that the service of the appellant's mother was absorbed in the corporation and she was no longer remain employee of the State-government and the employees of the TSECL are not cover by the die-in-harness scheme in force under the State-government which has been revised from time to time. To this effect, he has drawn attention of this Court to the communication dated 02.05.2024 made by the TSECL to the appellant and for the purpose of reference the same may be extracted hereunder:

“No.F 1(6)LC/TSECL/2024/16048-50

To,
Sri Uttam Paul
S/O-Lt Sukumar Rudra Paul & Sandhya Rani Paul
Vill-Manikya nagar, P.O. Kalamchara, Sonamura
Dist: Sepahijala, Tripura

Subject:-Job under Die in-Harness Scheme
Ret. No. Your representation of dated 25-05-2023

Sir,

I on behalf of TSECL express my sincere sympathy and condolences to you and your family on the sudden loss of your mother Lt. Sandhya Rani Paul on dated 09-10-2016, who was working as Helper-II in the Office of the Senior Manager Electrical Sub-Division, Rukhia.

As per offer of appointment order, Lt. Sadhya Rani Paul had joined on 05-04-2011 as Helper-II at the Office of the Senior Manager Electrical Sub-Division, Sekerkote vide order No.F 6(151)-TSECL/05/PPt-2/9144-391, Date 02-04-2011 under the Rules and Regulation govern by the TSECL.

On 03-08-2023 the Hon'ble high Court passed the judgment against Case No WP (C) 480 of 2023 for consideration the case of the petitioner in the light of representation submitted on dated 25-05-2023 addressed to M.D. TSECL for seeking job commensurate under Die-In-Harness Scheme.

The Deputy Secretary to the Government of Tripura, General Administration (P&T), Department issued a memorandum vide No.F 1(1)-GA(P&T/97, Date 1st July 2006 regarding providing benefits of Die-in-harness Scheme to the employees of the Department of Power, now deputed to TSECL that "The Die-in-harness Scheme is meant for the State Government Employees only and there is no scope for extending benefit of this Scheme to the employees of any Public Sector Undertaking like Tripura State Electricity Corporation Limited." Moreover there is no Scheme in the TSECL to provide any job under Die-in-Harness Scheme.

Whereas, adoption of the memorandum of dated 1st July 2006 of General Administration (P&T) Department is in force in TSECL, hence your plea of dated 25-05-2023 seeking job commensurate under Die-In-Harness Scheme could not be considered.

Yours Faith 295/2024

(D. Sarkar)
Managing Director, TSECL
Corporate Office, Agartala”

[8] Another memorandum has been shown by the learned senior counsel appearing for the respondents which is also very relevant in the present facts and circumstances of the case and also extracted hereunder for convenience:

**“GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (P&T) DEPARTMENT**

No.F 1(1)-GA(P&T)97
July, 2005

Dated, Agartala, the 1st

MEMORANDUM

Sub: Providing benefits of Die-in-harness Scheme to the employees of the Department of Power, now deputed to the Tripura State Electricity Corporation Ltd.

The Die-in-harness Scheme is meant for the State Government employees only and there is no scope for extending benefit of this scheme to the employees of any Public Sector Undertaking like the Tripura State Electricity Corporation Ltd (TSECL). But the employees of the Department of Power who have been deputed to the TSECL are entitled to get the benefits of Die-in-harness Scheme (excluding the employees who may be recruited by the TSECL), But the TSECL being a Public Sector Undertaking cannot extend the benefits of Die-in-harness Scheme to the employees of the State Government who have been deputed to the TSECL.

2. It has been decided by the Government that for providing benefits of the Din-in-harness Scheme to the State Government employees deputed to the TSECL, the PWD shall be the Nodal Department and other Departments shall provide job to the eligible candidates on recommendation of the PWD. For this purpose PWD should maintain a vacancy chart of various Departments

3. This takes immediate effect.

(Mrs. B. Debbarma)
Deputy Secretary to the Government of Tripura”

[9] In that view of the matter, this Court is of the view that there is no absorption under the scheme itself and thus, the present writ appeal is liable to be dismissed and the same is accordingly dismissed by confirming the order passed by the learned Single Judge dated 25.07.2024 in connection with WP(C) No.492 of 2024. As a sequel, miscellaneous application, pending if any, shall stand closed

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh