

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.653 of 2024

Shri Dipankar Chakraborty,
S/o Lt. Anil Chakraborty,
Of village Purba Nalchar, P.O.- Nalchar,
P.S.- Melaghar, Dist.- Sepahijala Tripura,
PIN- 799115, Age- 37 years.

.....Petitioner(s)

- Versus -

- 1. The Union of India,**
Represented by the Secretary of Posts,
Dak Bhawan, New Delhi- 110001.
- 2. The Chief Post Master General, (NE Circle),**
HVCP + QP3, Secretariat Hills, Shillong,
P.O.- Shillong, Meghalaya, PIN- 793001.
- 3. The Director of Postal Services,**
Agartala Division, Post Office Choumuhani,
Agartala, Tripura, PIN- 799001.
- 4. The Inspector of Post,**
Circle Office at Bishalgarh, National Highway Road,
Bishalgarh, Boxanagar Road, Sepahijala Tripura, PIN- 799102.

..... Respondent(s)

For the Petitioner(s)	:	Mr. Kousik Roy, Advocate. Mr. Udai Sankar Singha, Advocate. Mr. Rohan Chakraborty, Advocate.
For the Respondent(s)	:	Mr. B. Majumder, Dy. SGI.

Date of hearing and delivery : **14th February, 2025.**
of Judgment & Order

Whether fit for reporting : **NO.**

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Mr. Kousik Roy, learned counsel appearing for the petitioner and Mr. B. Majumder, learned Dy. SGI appearing for the respondents.

2. The case of the petitioner, a graduate is that the father of the petitioner, namely, Anil Chakraborty was a Dak Peon under the respondents and was posted at Nalchar. He died in service on 24.03.2024, due to cancer. At the time of his demise, said late Anil Chakraborty left behind him his wife, Mrs. Saraswati Chakraborty, elder son Dipankar Chakraborty (Petitioner) and younger son Subhankar Chakraborty. Both the sons, according to learned counsel of both sides, applied for a job under Die-in-Harness Scheme. The application of the petitioner was submitted on 07.06.2024 and his younger brother submitted it on 03.06.2024.

3. According to the respondents, the petition of the younger son was accompanied with the nomination by his mother, Mrs. Saraswati Chakraborty, but the petitioner could not submit such nomination in his favour. The petitioner served one advocate notice through Mr. Roy, learned counsel to the respondents. The respondents also in turn intimidated the said fact of nomination of his younger brother by his mother through letter dated 22.08.2024 to the petitioner. Under such circumstances, the writ petition has been filed with the following prayers:

"a) Admit this petition;

b) Issue notice upon the respondents;

c) Call for the Records;

AND

After hearing the parties Your Lordship would graciously be pleased to direct the Respondents to cause an inquiry as to the truthfulness of the matter regarding the consent of the mother in giving the consent for job under die in harness to the younger son, and to submit the report before this Hon'ble Court, for fair ends of justice;

AND

In the mean time to stay the further proceeding of the matter by the Respondents.

AND

After hearing the same would be pleased to consider the prayer of the petitioner to in getting the job under the die-in-harness scheme.

AND

To pass any other Order/Orders as Your Lordship seems fit and proper.

AND

For this act of kindness your humble petitioner as in duty bound shall ever pray."

4. During the hearing Mr. Roy, learned counsel referring to Gramin Dak Sevaks (Compassionate Engagement) Scheme, 2023, submits that under Clause 3 of said scheme, first priority is required to be given to the spouse of the deceased and in case, spouse is not provided with such job, second priority will be given to the dependent nominated by that spouse. The relevant provision of Clause 3 is enumerated hereunder :

"3. Order of priority:-

(i) First priority will be given to spouse of the deceased GDS. In such cases consent of the spouse will only be taken.

(ii) Second priority will be given to the dependent nominated by spouse. In such cases the consent of the spouse and the nominated dependent will only be taken.

(iii) In case there is no spouse or GDS was unmarried at the time of his/her death, the compassionate engagement may be given to any one of the dependent family members with the consent of all other dependents."

5. According to Mr. Roy, learned counsel, the nomination obtained by the younger brother of the petitioner was not voluntary and for that reason, same cannot be taken into consideration by the respondents while granting any job under Die-in-Harness Scheme to the younger brother of the petitioner. Learned counsel also submits that an inquiry is required to be done as to whether the nomination given by the mother of the petitioner was voluntarily or not.

6. Mr. Majumder, learned Dy. SGI., on the other hand, submits that the writ petition itself is not maintainable as both the mother and younger brother of the petitioner were not impleaded in this case and moreso, as per the rules, the job is required to be provided to that person who is nominated by the spouse herself. Therefore, the claim of the petitioner has no merit in his favour.

7. This Court has taken note of submissions of both learned counsel and the material placed on records by the parties. Court has also taken into consideration the above said provision of Clause 3 of the Scheme of 2023. In the said clause, it is clearly enumerated that second priority should be given to the dependent nominated by the spouse, and in such cases, the case of the nominated dependent by the spouse will only be taken into consideration. However, when some challenges have been made as to the voluntariness of the mother in respect of such nomination, as a matter of caution, the respondents should verify/examine such voluntariness by way of having personal hearing of the mother of the petitioner.

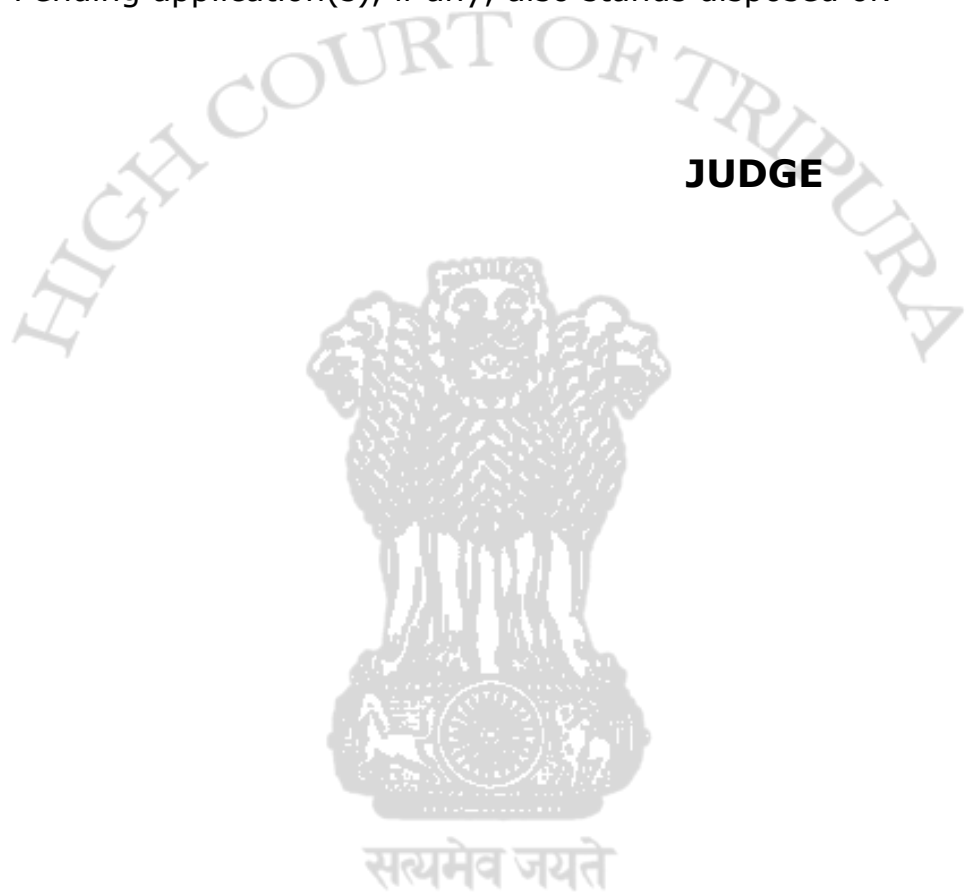
8. Mr. Roy, learned counsel submits that the respondents have their own branch Post Office at Nalchar, and the parties are also residing at Nalchar and therefore, it will be very much convenient for them to have such personal hearing by instructing any responsible officer of the respondents posted at Nalchar.

9. In view of above position and taking note of the above said circumstances, the writ petition is disposed of with the direction that the respondents will have personal hearing of the mother of the petitioner to test the voluntariness and genuineness of said nomination through any of their responsible officer and will dispose of the claim of both the

petitioner and his brother for a job under Die-in-Harness Scheme accordingly, following the principles laid down in the said scheme of 2023. The entire process should be completed within a period of 8(eight) weeks.

The writ petition is disposed of.

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



SATABDI DUTTA Digitally signed by
SATABDI DUTTA
Date: 2025.02.15
17:22:42 +05'30'

Dinashree