

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 673 of 2024

1. Sri Rupak Nandi,
Ex-HG No.- 842688, S/o- Late Phani Bhushan Nandi, R/o- Village- Amtali, Shaltila, P.O & P.S- Amtali, District- West Tripura, Age-62 years.
2. Sri Mano Ranjan Shil,
Ex -HG No.672057,
S/o- Late Debendra Chandra Shil, R/o- Village ONGC Bank Chowmuhani, P.S-Amtali, District - West Tripura, Age -73 years.
3. Sri Rajen Kanti Deb, Ex-HG No- 771004, S/O - Lt. Sukumar Deb, R/O village Badharghat, Sri Palli, P.O Amtali, District - West Tripura, Age - 66 years.
4. Sri Nidhir Laskar, Ex- HG No- 862026, S/O Manindra Chandra Laskar, R/O - Village - A.D Nagar, Bordowali, P.S A.D Nagar, District - West Tripura, Age 64 years.
5. Smt. Shikha Rani Guha (Majumder), Ex- HG No-893030, D/O-Lt. Rakhal Chandra Guha, R/O - Village - West Joynagar, Dashamighat, P.O West Agartala, District West Tripura, Age 65 years.
6. Smt. Bhaban Chowdhury (Bhowmik), Ex- HG No-893017, D/O Lt. Mono Ranjan Chowdhury, R/O - Village -Joynagar (w), Dashamighat, P.S - West Agartala, District - West Tripura, Age 63 years
7. Smt. Renu Biswas, Ex- HG No- 923065, D/O - Lt. Adhir Chandra Biswas, R/O - Village Bhati Abhoynagar, P.S - West Agartala, District - West Tripura, Age-63 years,
8. Smt. Jaba Chanda, Ex- HG No- 893032, D/O Lt. Birendra Kr. Chanda, R/o Village West Shibnagar, College Tilla, P.S East Agartala, District West Tripura, Age - 62 years
9. Sri Basab Chakraborty, Ex- HG No- 822368, S/O - Lt. Hemendra Chakraborty, R/O Village Purba Rampur, Satsangha Ashram, P.S - Bishalgarh, Sepahijala, Tripura, Age 64 years
10. Smt. Sabita Sharma, Ex- HG No- 923041, D/O - Lt. Sushil Mohan Sharma, R/O Taranagar, Mohanpur, District -West Tripura, Age 62 years.
11. Smt. Arati Debnath, Ex- HG No- 893006, D/O - Lt. Lalit Mohan Debnath, R/O Village Durjoynagar, P.S Durjoynagar, District West Tripura, Age 61 years.

12. Smt. Chabi Acharjee, Ex- HG No- 913021, D/O - Lt. Naresh Acharjee, R/O - Village Barjala, P.S - West Agartala, District West Tripura, Age 64 years.
13. Sri Matilal Das, Ex- HG No- 822425, S/O - Buddhi Das, R/O-Village - Goniamara, P.O-N.C Nagar, P.S - Bishalgarh, District - Sepahijala Tripura, Age - 66 years.
14. Sri Pradip Ch. Saha, Ex- HG No- 842908, S/O Lt. Umesh Chandra Saha, R/O Village - Goniamara, P.O - N.C Nagar, P.S- Bishalgarh, District Sepahijala, Tripura, Age 64 years
15. Sri Bikash Roy Chowdhury, Ex- HG No- 843481, S/O -Lt. Samir Roy Chowdhury, R/O - village Bordowali, Kalyan Samiti, P.S West Agartala, District - West Tripura, Age - 59 years,
16. Smt. Mala Bhattacharjee, Ex- HG No- 833005, D/O Lt. Bidhu Bhushan Bhattacharjee, R/O- Village- Joynagar Battala, P.S West Agartala, District- West Tripura, Age 65 years.
17. Sri Paritosh Das, Ex- HG No- 622023, S/O - Lt. Rajendra Das, R/O Village Amtali, Roy Colloney, P.S Amtali, District West Tripura, Age - 78 years
18. Sri Man Mohan Chowdhury, Ex- HG No- 712029, S/O -Lt. Priya Mohan Chowdhury, R/O - village Amtali, Lal para, P.S - Amtali, District - West Tripura, Age 58 years.
19. Smt. Seema Saha, Ex- HG No-913026, D/O - Lt. Madhu Sudhan Saha, R/O - Village - Airport, 2050 colony, Narsingarh, P.S - Airport, District - West Tripura, Age - 60 years.
20. Sri Swapan Chakraborty, Ex- HG No- 761037, S/O - Lt. Sushil Kr. Chakraborty, R/o Village - West Pratapghar, P.O A.D Nagar, P.S - Beltali, District - West Tripura, Age 74 years
21. Smt. Shikha Sen, Ex-HG No. 923055, D/O - Lt. Satish Sen, R/o Krishnanagar, Agartala, District West Tripura, PIN -799001, Age - 61 years.
22. Smt. Sunati Biswas, Ex-HG No. 773015, S/O Lt. Upendra Chandra Biswas, R/O Durga Chowmuhan, Krishnanagar, Agartala, District West Tripura, PIN - 799001, Age 65 years.

.....Petitioners

Versus

- 1. **The State of Tripura**, Represented by the Secretary, Home Department Government of Tripura, New Secretariat Building, Agartala, West Tripura, PIN 799006.
- 2. **The Secretary**, Finance Department, Government of Tripura, New Secretariat Building, Agartala, West Tripura. PIN 799006
- 3. **The Director General of Police**, Government of Tripura, Fire Service Chowmuhani, P.O. Agartala, West Tripura, PIN 799001
- 4. **The Commandant**, Home Guard Organisation, Government of Tripura, Arundhutinagar, P. O. - Arundhutinagar, District West Tripura

..... Respondents

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate. Mr. K. Nath , Advocate.
For the Respondent(s)	:	Mr. SM Chakraborty, Advocate General. Mr. D. Sarma, Addl. G.A.
Date of hearing	:	10.03.2025.
Date of delivery of Judgment & Order	:	10/ 03/2025.
Whether fit for reporting	:	YES

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

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioners. Also heard Mr. SM Chakraborty, learned Advocate General assisted by Mr. D. Sarma, learned Addl. GA appearing for the respondents-State.

[2] The brief facts of the case is that, the petitioners are retired Home Guards. The petitioners are getting only Rs. 2500/- as monthly pension. In this instant writ petition the petitioners seek necessary direction upon the respondents to enhance the monthly pension of the petitioners from Rs. 2500/- to Rs.10,000/- per month. During last decade the purchasing power of rupees has suffered tremendous erosion. After retirement, the

petitioners are also entitled to decent pension and they are also entitled to live in dignity. As a senior citizens, the petitioners are entitled to be not treated with cruelty and the State has responsibility and obligation to ensure, that, the petitioners who served the Nation and the State as Home-Guard before their retirement, do not suffer destitution and deprivation due to meagre pension which presently they are getting.

[3] The petitioners herein sought for the following reliefs by filing this instant writ petition :-

"a. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to enhance monthly pension of the Petitioners from Rs 2,500 to Rs 10,000/-per months.

b. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby modifying the Notification, dated, 16.01.2023, issued by the Deputy Secretary, Govt. of Tripura, Home Department, by enhancing monthly pension in respect of retired Home Guard Volunteers under the Home Department, Govt. of Tripura, from Rs 2500/- to Rs 10,000/- per month.

c. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby quashing the Memo, dated, 31.05.2024, issued by the Under Secretary to the Govt. of Tripura, Home Department.

AND

Call for the records pertaining to the instant Writ Petition from the custody of the Respondents and to make the rule absolute."

[4] Mr. P Roy Barman, learned senior counsel submits before this Court that the petitioners are the retired Home Guards. By a Notification dated 15.11.2012, issued by the Deputy Secretary, Govt. of Tripura, Home Department formulated a pension scheme for providing pension to the retired Home Guards. As per the said scheme the eligible Home Guards should be entitled to Rs. 750/- per month as monthly pension. After retirement the petitioners had been provided pension under the aforesaid scheme upto

30.11.2022. Thereafter, monthly pension of the petitioners has been enhanced to Rs. 2500/- per month. Since, 01.12.2022, there has been no revision of monthly pension but, in the meantime the cost of living has risen tremendously.

[5] He also submits that the petitioners submitted several representation before the concerned respondents for enhancing their monthly pension to Rs. 10,000/- per month for better living standards as the present pension scheme fails to meet with their basic requirement. Thereafter, finding no alternative the petitioners filed writ petition vide No.W.P(C) No. 897 of 2022 wherein the Hon'ble Court by an order dated 10.02.2023 directed the concerned respondents to consider the representation of the petitioners in accordance with law within a period of 3 months from the date of receipt of the copy of this order. He further submits that during the pendency of this writ petition the Deputy Secretary, Govt. of Tripura, Home Department, by a notification dated 16.01.2023, conveyed the decision of the Govt. that the monthly pension of the petitioners has already been enhanced from Rs.750/- to 2500/- per month. Thereafter, in compliance to the Hon'ble Court's order the concerned Department also issued Memo dated 13.03.2023, and it is stated that as the monthly pension has already been enhanced from Rs. 750/- to Rs. 2500/-and consequently disposed of the representation.

[6] He thereafter submits before this Court that being aggrieved the petitioners approached the Hon'ble High Court by filing writ petition vide No. W.P.(c) No.806 of 2023, wherein the learned Single Judge by an order dated 23.02.2024, set aside the memo dated 13.03.2023 and directed the respondents to pass a speaking order in respect to the representation for enhancement of monthly pension from Rs. 750/- to Rs.10,000/-. The relevant portion of the aforesaid order is extracted herein below :-

"Admittedly there is an order of this Court directing the respondents to consider the case of the petitioners in accordance with law. The impugned memorandum dated 13th March, 2023 is the one came to be passed by the respondents in terms of the order passed in earlier WP(C) No.897 of 2022 dated 10.02.2023. A fair reading of the memorandum does not indicate that it has dealt with the contents of the representation. It is a non-speaking order.

Accordingly, without expressing any opinion on merits on the point of monitory benefits of the petitioners, the present writ petition stands disposed by remitting the matter back to the appropriate authority to pass a speaking order in terms of the earlier writ petition [WP(C) No. 897 of 2022] and the representation filed by the petitioners. Accordingly, the memorandum dated 13th March, 2023 stands set aside.

In view of above, the present petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stands closed."

In compliance to the above order as passed by this Hon'ble Court, the respondents issued a memo dated 31st of May 2024, wherein it has been stated that the pension paid to Home Guards is not under any statutory rules, but under welfare scheme of the state Government and they regretted for providing such benefit.

[7] He relied Article 21 of the Constitution of India and therefore, urges before this court to allow the petition.

[8] Mr. SM Chakraborty, learned Advocate General appearing for the respondents-State submits before this Court that the pension paid to Home Guards is not under any statutory rules, but under welfare scheme of the State Government. As a policy decision, the State Government in the Home Department enhanced monthly pension in respect of retired Home Guard volunteers from Rs. 750/- to Rs. 2500/- with effect from 1st December 2022 vide notification dated No.F.26(1)-PD/2010/168, Dated 16.01.2023 .

[9] He argued that State Government from time to time enhanced the pensionary benefits to the retired Home Guards and it is pertinent to mention that within a short span of time it is not possible to enhance the pensionary benefits. Therefore, he urges before this court to dismiss the petition.

[10] On a careful observation of the submissions of learned counsel for both the parties, this court is of the view that the reason behind the appointment of Home Guards is that they are not like other police personnel and appointments are not made under statute. The Home Guards are taken as similar to contingent workers. And there is a formulated scheme wherein, it has been stated about the service conditions of Home Guards and they cannot be treated as regular employee. Also, there is no basis demanding pension of Rs. 10,000/- .

[11] This Court finds that the relief sought by the petitioners in the instant writ petition cannot be granted under Article 226 of the Constitution of India as the Court is conscious with regard to its limitation under Article 226 of the constitution of India. This court restricts from interfering in the petitioners claim or to formulation of any such scheme. Any such welfare scheme is the discretion of the State Government as it is a Welfare State.

[12] The appointments of the petitioners as Home Guards are made by the respondents under a special scheme and they cannot take any shelter under the statute or seek any pensionary benefits.

[13] It is brought to the notice of this Court that earlier consolidated pension which was Rs. 750/- on the request, and the same stood enhanced to Rs. 2500/- during 1st December 2022. In that view of the matter, considering the request of the petitioners from Rs. 2500/- to Rs. 10,000/- now in 2025 by this court in the absence of any such statute, mandamus cannot be issued and, therefore, the writ petition being devoid of merit fails and the same cannot be entertained and is liable to be dismissed.

[14] With the above observation the instant writ petition stands dismissed. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

JUDGE

Paritosh

SABYAS
ACHI
GHOSH

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by SABYASACHI
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HIGH COURT OF TRIPURA



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