

**HIGH COURT OF TRIPURA**  
**AGARTALA**

**WP(C) 728 OF 2024**

**Sri Diptanu Deb,**  
Son of Late Mantu Deb, resident of Bhattapukuk,  
P.O. -A.D. Nagar,P.S. West Agartala,  
District-West Tripura.

---Petitioner.

**Versus**

**1. The State of Tripura,** represented by the  
Secretary, Secondary Education Department, Government of Tripura,  
P.O.-New Capital Complex, District-West Tripura.

**2. Director,** Secondary Education,  
Office of the Directorate of Secondary Education,  
Office Lane, near court complex, Agartala,  
West Tripura.

**3. Secretary,** Managing Committee,  
Ramkrishna Vivekananda Vidyamandir (H.S.+2 stage) School,  
Dhaleswar, Agartala, West Tripura.

**4. Headmaster,**  
Ramkrishna Vivekananda Vidyamandir(H.S.+2 stage) School,  
Dhaleswar, Agartala, West Tripura.

---Respondents.

**BEFORE**  
**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

For the Petitioner(s) : Mr. G.K. Nama, Advocate.

For the Respondent(s) : Mr. H. Sarkar, Advocate.

Date of hearing and date of  
delivery of Judgment & Order : **25.11.2025**

Whether fit for reporting : 

|     |    |
|-----|----|
| YES | NO |
|     | ✓  |

**JUDGMENT & ORDER (ORAL)**

Heard Mr. G.K. Nama, learned counsel appearing for the  
petitioner as well as Mr. H. Sarkar, learned counsel appearing for the  
State-respondents.

2. Brief facts of the case of the petitioner are that the father of the petitioner, namely, Mantu Deb, a Group 'D' employee who was serving at Ramkrishna Vivekananda Vidyamandir (H.S.+2 stage) School, Dhaleswar, Agartala, West Tripura, expired on 02.02.2005 in harness. The petitioner was minor at the relevant point of time and after attaining his majority, as asserted by him, he submitted an application for a job under the 'Die-in-harness' scheme on 28.02.2011, but till 2018, no response was received by him from the respondents in this regard.

3. Suddenly, in the year 2018, he received an information from a reliable source that the respondents had decided to provide a job under the 'Die-in-harness' scheme to one Sri Abhijit Deb whose father was also working in the said school and died-in-harness in the year 2016. Thereafter, he met respondents Nos. 3 and 4 to know about the fate of his application dated 28.02.2011. Then, the respondent Nos. 3 & 4 informed him that they had sent the said application to the office of the respondent No.2. The petitioner thereafter approached the respondent No.2 wherefrom it was replied that the said application had reached to their office long ago and therefore it would be difficult for them to find it out and accordingly they requested the petitioner to submit a fresh application. Then, on 23.02.2018 itself he submitted a fresh application along with an undertaking by the other dependent family members in compliance with the required formalities. Other related informations were also submitted in prescribed forms.

4. As no response was received from the respondent No.2, he submitted one representation on 15.03.2018 to them and thereafter an Advocate Notice was also sent on 26.03.2018 in this regard. In response

to the said Advocate's Notice, the Director of Secondary Education communicated him that his application dated 23.02.2018 was rejected on the ground that the same was not preferred within one year after the death of the government servant.

5. The petitioner thereafter filed a writ petition in the year 2018 bearing No. WP(C) No.586 of 2018, which was subsequently withdrawn by him on 12.07.2022 with a liberty to seek remedies under law. After such withdrawal of the said writ petition in the year 2022, the present writ petition has been filed on 25.11.2024 with the following prayers:

*"i. Issue rule asking the respondents to show cause as to why a writ of Mandamus and/or in the nature thereof shall not be issued directing them to provide employment on compassionate ground under the "Die-in-harness" scheme.*

*ii. Issue rule directing the respondents to provide employment to the petitioner on compassionate ground under the "Die-on-harness" scheme.*

*iii. After hearing the parties make the rule in terms of Sl.No.(i) to (ii) above absolute;*

*iv. Pass any other order/orders as may be deemed fit and proper for ends of justice."*

6. Learned counsel, Mr. G.K.Nama submits that after the petitioner filed his first application on 28.02.2011 seeking the job under the 'Die-in-harness' scheme after attaining his majority, the respondents did not respond to it and after he got the information of providing a job to another person, immediately he went to the office of the respondent Nos. 3 & 4 to enquire about the fate of his application in this regard. Therefore, according to learned counsel, Mr. Nama, the respondents were in gross default by not considering his first application submitted on 28.02.2011. Learned counsel, Mr. Nama also submits that the second

application was filed in the year 2018 as per the advice of the respondent No.2, and as soon as it was rejected, the petitioner approached the High Court by filing the above said writ petition without any delay. Therefore, the petitioner was not at default on any occasion in pursuing his cause. Learned counsel also tries to convince this Court that the scheme for providing a job on compassionate appointment is a beneficial policy of the government and therefore, the writ petition may be allowed with a direction to the respondents for providing a job to the petitioner under the 'Die-in-harness' scheme.

7. Learned counsel, Mr. Sarkar, appearing for the respondent Nos. 1 and 2 argues that when the fresh application was submitted on 23.02.2018, the 'Die-in-harness' scheme, published by the State under Notification dated 26<sup>th</sup> December, 2015 was in force and there is a limitation contained in that scheme that such a claim for employment/financial assistance under such scheme should be submitted before the appropriate authority within 1(one) year from the date of death of the government. But in the instant case, such an application was filed in the year 2018 and therefore, the respondents were justified in rejecting the claim of the petitioner.

8. This Court has given due consideration to the submissions of learned counsel of both sides and also has gone through the materials placed in the record including the above said 'Die-in-harness' scheme notified on 26.12.2015.

9. It appears that the deceased died in the year 2005 and according to the petitioner, he became major in the year 2011 and

thereafter he submitted one application in the year 2011 and another fresh application in the year 2018. The first question, which is required to be taken into consideration is whether the rules which were prevailing at the time of death of the deceased will be applicable or the rules which were in force at the time when the application of such compassionate appointment was filed, will be applicable in this case. The three-Judge Bench of the Apex Court in the case of ***N.C. Santhosh Vs. State of Karnataka & Ors***, AIR 2020 SC 140 : (2020) 7 SCC 617, held that the norms as prevailing on the date of consideration of the application for such a compassionate appointment should be the basis for consideration of claim of compassionate appointment. The relevant paragraph Nos. 19 and 20 of this decision are extracted here-in-below:

*“19. In the most recent judgment in State of H.P. v. Shashi Kumar [State of H.P. v. Shashi Kumar, (2019) 3 SCC 653 : (2019) 1 SCC (L&S) 542] the earlier decisions governing the principles of compassionate appointment were discussed and analysed. Speaking for the Bench, Dr D.Y. Chandrachud, J. reiterated that appointment to any public post in the service of the State has to be made on the basis of principles in accord with Articles 14 and 16 of the Constitution and compassionate appointment is an exception to the general rule. The dependants of a deceased government employee are made eligible by virtue of the policy on compassionate appointment and they must fulfil the norms laid down by the State's policy.*

*20. Applying the law governing compassionate appointment culled out from the abovesaid judgments, our opinion on the point at issue is that the norms, prevailing on the date of consideration of the application, should be the basis for consideration of claim for compassionate appointment. A dependant of a government employee, in the absence of any vested right accruing on the death of the government employee, can only demand consideration of his/her application. He is, however, disentitled to seek consideration in accordance with the norms as applicable, on the day of death of the government employee.”*

**10.** In view of above said decision, the claim of the petitioner for such job under the ‘Die-in-harness’ scheme is being examined in the light of the relevant scheme which was prevailing at the time of

consideration of his application. In fact, when his application dated 23.02.2018 was being considered by the respondents, the scheme as admitted by both the parties, published under the Notification dated 26.12.2015 was in force. It appears that Rule 9 of the said scheme put an embargo to the job seeker that claims for employment/financial assistance under the 'Die-in-harness' scheme should be submitted before the appropriate authority within one year from the date of death of the government servant, and the eligibility in all respect shall be determined as on the date of death of the concerned employee.

**11.** From the materials as placed in the record, it also appears that after the petitioner applied for such a job under the 'Die-in-harness' scheme on 28.02.2011, he did not pursue the matter till 2018 though according to him, the respondents did not respond to his such application. Even, during the period of at least 7 years i.e. upto 2018, he did not approach any Court or authority pursuing his such claim. Therefore, his first application is not tenable both on the ground of delay and laches and also on the ground that he without pressing first application, submitted a fresh application again in the year 2018.

**12.** It is also evident that after he got information of providing a job to a third party in the year 2018 in the said school, suddenly he became alert and started searching about the fate of his previous application. Therefore, his laches or inaction in pursuing his own cause for such a long period could not be dislodged by him. Even his subsequent application dated 23.02.2018 also creates the impression that it was not a communication made in continuation of his previous application filed in the year 2011, rather, said application was filed

making a fresh claim for such job under the ‘Die-in-harness’ scheme. Therefore, necessary informations through prescribed formats with the required undertaking were also submitted by him along with said application.

**13.** Learned counsel, Mr. Nama relies on a decision of a Division Bench of this Court in the case of *Subham Dey Vrs. The State of Tripura & Ors. (WA 45 of 2014)*, decided on 22.11.2018, wherein, on the date of death of the deceased employee, the petitioner was aged about 7 years or so, and on attaining the age of majority within stipulated period of one year, he submitted application for the benefit under the ‘Die-in-harness’ scheme. In that situation, the Court held that the action of the State in rejecting the petitioner’s application on the ground of delay was unsustainable at law. However, in distinction thereto, in our case in hand, the fresh application was submitted by the petitioner in the year 2018 i.e. much beyond the period of one year of his attaining majority.

**14.** It is fact that in the year 2018 itself he submitted writ petition before this Court on rejection of his application by the respondents submitted in the year 2018 but, after withdrawal of the said writ petition on 12.07.2022, there is a delay of further two years in approaching the Court through the present writ petition.

**15.** Therefore, it is also evident that his approach was again very lackadaisical when he withdrew the previous writ petition.. Above all, as discussed, the scheme prevailing during the year 2018 itself create a bar to provide any job to the petitioner under the ‘Die-in-harness’ scheme as

it was submitted much after the stipulated period of one year. Thus, the petitioner is not entitled to the relief as prayed for.

**16.** In view of the above, the writ petition is dismissed. Interim application(s), if any, shall also stand disposed of.

**JUDGE**

**SANJAY GHOSH** Digitally signed by SANJAY GHOSH  
Date: 2025.11.27 18:23:44 +05'30'

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