

**HIGH COURT OF TRIPURA
AGARTALA
Review Pet. No. 32 of 2024**

Smt. Priyanka Das,
Aged about 24 years, daughter of late Badal Das,
Resident of South Bhuratali, P.O. Fulchari, P.S. Manu Bazar,
District-South Tripura, Pin. 799143.

.....Petitioner(s).

Vs.

1. **The State of Tripura,**
to be represented by the Secretary, Department of Health,
Government of India, New Civil Secretariat, P.O. Kunjaban-
799006, P.S. New Capital Complex, District-West Tripura.
2. **The Director,**
Directorate of Health Services, Government of Tripura,
New Civil Secretariat, P.O. Kunjaban-799006,
P.S. New Capital Complex, District-West Tripura.
3. **The Sub-Divisional Medical Officer,**
Sabroom, South Tripura,
under the Directorate of Health Services,
Government of Tripura.

.....Respondent(s).

For Petitioner (s)	:Mr. P Roy Barman, Sr. Adv. Mr. S Bhattacharjee, Adv.
For Respondent(s)	:Mr. K De, Addl. GA.

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT AND ORDER (ORAL)**

09.04.2025

Heard Mr. P Roy Barman, learned Sr. counsel assisted by Mr. S Bhattacharjee, learned counsel appearing for the petitioners and Mr. K De, learned Addl. GA appearing for the respondents.

[2] The present petition for review has been filed in respect of the judgment dated 10.05.2024 passed by this court

in WP(C) No. 27/2024 wherein the present petitioner Smt. Priyanka Das, daughter of Lt. Badal Das, who died while in service on 11.02.2021 leaving behind his wife Smt. Swapna Das and two daughters namely, Smt. Priyanka Das (present review petitioner) and Smt. Priya Das, was the writ petitioner. Lt. Badal Das was admittedly working as a Night Guard at the time of his death in the establishment of Sub Divisional Medical Officer, Sabroom, South Tripura.

[3] After his death, initially said wife Smt. Swapna Das, applied for a job under Die-in-Harness Scheme and as reflected in the impugned judgment such application was filed on 07.04.2022 i.e. beyond one year of death of said Badal Das whereas, as per the related scheme for compassionate appointment/benefit of government employees of Tripura issued under notification No. F.1(1)-GA(P&T)/18 dated 2nd March, 2019, for such compassionate appointment and also for admissible financial assistance, request has to be made within one year from the date of death of the deceased government servant provided that for admissible financial assistance time period of such application may be extended by one year by the appropriate authority on valid grounds.

[4] Admittedly, such petition of Smt. Swapna Das was regretted by the respondents by the letter dated 17.07.2023 on the ground that she did not possess the minimum qualification from the proposed post. Meanwhile, before such rejection, the present petitioner applied for such post under the Die-in-Harness Scheme on 04.07.2023 which was also rejected by the

respondents vide their letter dated 25.08.2023 on the ground of filing of delayed application and being aggrieved thereby she filed the WP(C) No.27/2024.

[5] This court while passing the judgment held the followings:

"[8] In view of above said principles of Law as laid down by the Apex Court in Food Corporation of India (supra), the court cannot direct the respondents to provide a job under Die-in-Harness scheme to the petitioner when the application was filed beyond the time limit as prescribed under Clause 9 of the scheme as indicated above. Said Clause 9 also does not give any authority to the respondents to extend the time for submission of the application for the job beyond the period of one year from the date of death of the deceased. Thus, the respondents were justified in not allowing the application of the petitioner going beyond what was provided in the scheme itself. So far the Clause 12 of the scheme regarding general awareness as referred by Mr. Biswas, learned Senior Counsel is concerned, said Clause also does not cast any duty upon the respondents to sensitise or enlighten the family members of the deceased about the scheme, rather it was duty of the deceased himself to do the same. For reference Clause 12 is extracted below:

"12. General Awareness:

It is the duty and responsibility of every Government Servant serving under the State Government/Teaching and non-teaching employees of Privately Managed Government Aided Schools/Home Guards/Woman Guards/Boarder Wing Home Guards to brief/enlighten his/her family about this Scheme in details."

[9] In view of above, it is held that the petitioner is not entitled for a direction from this Court towards the respondents for providing her a suitable job under Die-in-Harness scheme and, therefore, no such direction can be passed in favour of the petitioner in this case. However, as it appears from the death certificate of the deceased (Annexure-1 of the Writ Petition), at the time of death, the age of the deceased Government employee was 49 years, and if said age is correctly reflected, the survivors or dependents of the deceased, as per scheme would come within the Support Category-4 entitling them to one time financial assistance of Rs.10,00,000/- (Rupees ten lakh) only. The respondents are, therefore, directed to verify the age of the deceased father of the petitioner and to extend such financial benefit of Rs.10,00,000/- (Rupees ten lakh) only to the next of kin of the deceased under Support Category-4 of the above said scheme dated 02.03.2019 (Annexure-8 of the Writ Petition), if the age of the deceased is found below 50 years at the time of his death, otherwise necessary benefit will be provided to the dependant family members of the deceased as per other suitable support category of the scheme.”

[6] Now the present petitioner has filed the review petition for reviewing the said judgment mainly on the ground that an important fact was suppressed from the side of respondents that not on 04.07.2022 rather prior to the date on 15.07.2021, said wife Smt. Swapna Das submitted her petition for such job under Die-in-Harness Scheme and said petition was completely within time as per the relevant provision of the scheme and the said application was also forwarded by Sub Divisional Medical Officer, Sabroom to the Directorate of Health Services, Govt. of Tripura vide their letter dated 15.07.2021 (Annexure-2 of the present review petition).

[7] Mr. Roy Barman, learned Sr. counsel emphatically submits that the petition for job under Die-in-Harness was submitted by Smt. Swapna Das well within the time but said letter dated 15.07.2021 was not in her knowledge and possession, when the writ petition was filed and very recently that has been discovered and therefore, the review petition has been filed on the ground of discovery of new facts.

[8] Mr. Roy Barman, learned Sr. counsel further submits that if said document is taken into consideration it will be evident that the mother of the petitioner approached for such job under Die-in-Harness Scheme within time and therefore, the present petitioner is entitled to get benefit of such scheme to be favoured with a job under such scheme.

[9] Learned Sr. counsel continues to argue that if said document would have been placed before this court in the earlier writ petition, certainly the decision of the court that Smt. Priyanka Das filed the petition beyond the prescribed period of time would not have been there and moreover, it was the duty of the respondents being custodian of said document to place such fact in the original writ petition but they have also suppressed the same. Thus, according to Mr. Roy Barman, learned Sr. counsel, this is a clear case of discovery of new facts and therefore, the impugned judgment may be reviewed.

[10] Mr. K De, learned Addl. GA, on the other hand, submits that it is not true that the respondents have suppressed the fact of submission of petition by Smt. Swapna Das prior to the date 15.07.2021 rather the writ petitioner in her writ

petition herself stated that Smt. Swapna Das (her mother) submitted such petition on 07.04.2022. Learned Addl. GA Mr. De, also further submits that the claim of Smt. Swapna Das was rejected basically on the ground that she did not possess the required qualification and not on the ground that her claim was time barred.

[11] Learned Addl. GA also adds to his submission that the present petitioner is not said Smt. Swapna Das rather her daughter Smt. Priyanka Das and therefore, said letter dated 15.07.2021 (Annexure-2) has no relevancy in this matter.

[12] This court has given due consideration to the submission of both sides and also perused the records.

[13] It has been the categorical finding of this court in paragraph 8 of the judgment that application of the present petitioner Smt. Priyanka Das was beyond the time limit as prescribed under clause 9 of the scheme as indicated above and said clause does not give any authority to the respondents to extend the time of submission of application for job beyond the period of one year from the date of death of the deceased and therefore, the respondents were justified in not allowing the application of the petitioner by not going beyond what was prescribed in the scheme itself. No where this Court observed that the application of the mother of the present petitioner was time barred and therefore the letter 15.7.2021 issued by Sub-Divisional Medical Officer, Sabroom has no relevancy in the matter of application submitted by the present writ petitioner Priyanka before the respondent-Authority.

[14] Though, Mr. Roy Barman, learned Sr. counsel on that point also tries to convince that it would be a too technical approach if the matter is considered taking the date of filing of the application by the petitioner herself for such compassionate appointment separately in isolation with the application submitted by her mother ignoring the fact that her mother had already applied for job within specific time period, but such submission doesnot appears to be acceptable, for, the provision of Rule 1 of Order XLVII of CPC enables the court to review it's judgment for the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the petitioner or could not be produced by her at the time when the judgment/order was passed by this court. But as already stated above, said letter dated 15.07.2021 (Annexure-2) relates to the application of Smt. Swapna Das and not of Smt. Priyanka Das and as per clause 9 of the scheme application of the petitioner herself ought to have been submitted within one year from the date of death of her father. Her mother Swapna Das did not challenge the decision of the Authority regarding rejection of her claim, rather it is the petitioner who has challenged the rejection of her own claim. This Court in it's judgment categorically observed that the application of the present petitioner was submitted beyond the prescribed period and under this review jurisdiction, this Court cannot alter this finding based on a correspondence relating to the claim of the mother of the petitioner. If there is any grievance of the present petitioner regarding such observation

of the Court in the judgment on the ground that such observation or decision was erroneous, the petitioner can/could challenge the same in the appropriate forum.

In view of above, this court finds no reason to interfere with the impugned judgment.

Accordingly, this review petition is rejected. Pending applications, if any, also stand disposed of.

JUDGE

