



HIGH COURT OF TRIPURA
AGARTALA

WA No.49 of 2025

- 1. The State of Tripura**, represented by its Principal Secretary, Department of Social Welfare and Social Education, P.O.: Kunjaban, P.S.: New Capital Complex, District-West Tripura, PIN: 799006.
- 2. The Director**, Social Welfare and Social Education Department, Govt. of Tripura, Abhoynagar, P.O.: Kunjaban, P.S.: New Capital Complex, District: West Tripura, PIN: 799005.
- 3. The Additional Secretary**, General Administration (Confidential and Cabinet) Department, Govt. of Tripura, P.O.: Secretariat, P.S.: New Capital Complex, District: West Tripura, PIN: 799010.

..... Appellant(s)

V E R S U S

- 1. Smt. Sukriti Debnath**, W/o Lt. Nalini Mohan Debnath, aged about 54 years.
- 2. Sri Aparup Debnath**, S/o Lt. Nalini Mohan Debnath, aged about 33 years.
- 3. Sri Arijit Debnath**, S/o Nalini Mohan Debnath, aged about 31 years.

All are resident of Vill: Tilthai, P.O.: Dharmanagar, P.S.: Panisagar, District: North Tripura, PIN: 799260.

..... Respondent(s)

- 4. The Accountant General (A&E)**, Tripura, Circuit House, P.O.: Kunjaban, P.S.: New Capital Complex, District: West Tripura, PIN: 799006.

..... Proforma Respondent(s)

For Appellant(s)	:	Mr. Mangal Debbarma, Addl. GA
For Respondent(s)	:	Mr. Arijit Bhaumik, Advocate Mr. Agniva Chakrabarti, Advocate
Date of hearing and Delivery of Judgment & Order	:	11.05.2026
Whether fit for reporting	:	YES/NO



HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order (Oral)

(M.S. Ramachandra Rao, C.J.)

Heard counsel for the appellants and the counsel for the respondents.

2. This appeal is filed challenging the judgment dt. 31.01.2025 of the Learned Single Judge in WP(C)No.211 of 2024.

3. The appellant's husband by name, Nalini Mohan Debnath had been appointed on 01.04.1991 temporarily as Supervisor, ICDS along with several others.

He died on 12.02.2012.

4. The persons appointed along with him were regularized w.e.f. the date of their appointment by a cabinet decision of 02.06.2017 and it was held that they can get the consequential benefits of seniority and pensions.

5. The respondents No.1, 2 and 3 who are legal heirs of Nalini Mohan Debnath have filed the writ petition seeking similar relief to Nalini Mohan Debnath by treating him as having being appointed regularly, w.e.f. 01.04.1991 like the other persons and for a further direction to release all service benefits admissible on his death till then. These include death cum retirement gratuity and leave encashment with interest.

6. The respondents contended before the Learned Single Judge that said individual had been appointed only temporarily and not appointed regularly, and an ad-hoc appointment does not automatically give any vested right to the appointee to claim continuity in service till it is regularized. They



further contended that, on sympathetic grounds as per the verdict of this Court dt. 26.03.2014 in WP(C)No.22 of 2006 the matter was considered and relief was granted to persons similar to Late Nalini Mohan Debnath by the Cabinet of this State on 02.06.2017.

7. According to them, the services of one Ram Krishna Bhattacharjee retired from service on 31.12.2016 and one Nripendra Nath who had also retired from service on 30.11.2016 and even expired on 06.12.2016, were regularized on 02.06.2017 and benefits were given to them. Nalini Mohan Debnath cannot be given the said benefit because he died in 2012 itself.

8. The Learned Single Judge disagreed with the contention of the respondents and held that the denial of benefit of regularization to the deceased employee would amount to arbitrariness and discrimination because Brajendra Debnath and the petitioner had both approached this Court by filing WP(C) No.22 of 2006 and Brajendra Debnath's service had been regularized. Likewise though Nripendra Nath had died on 06.12.2016, his service was also regularized by the Cabinet on 02.06.2017. Even Ram Krishna Bhattacharjee who had retired from service on 31.12.2016 was given the benefit of regularization by the respondents on 02.06.2017.

9. Therefore, the Learned Single Judge allowed the writ petition by placing reliance on the judgment of the Supreme Court in **Madanlal Sharma (Dead) Through LRS. Vs. The State of Madhya Pradesh and Ors.** passed in Civil Appeal No.14753 of 2024 wherein pensionary benefits were granted to a temporary employee who died by treating him as a



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permanent employee. A direction was given by the Supreme Court to release family pension also in that case.

10. We are in respectful agreement with the view taken by the Learned Single Judge as it is impermissible for the appellants to discriminate between late Nalini Mohan Debnath and the persons mentioned above depending on the fortuitous aspect of the date of death. If all of them had been appointed on ad-hoc basis and the above three persons had retired even before 02.06.2017 and they had been given benefits, late Nalini Mohan Debnath could not have been discriminated by the appellants.

11. However, though the respondents had sought interest @18% p.a. on the retiral benefits, we are inclined to hold that such a demand made in the writ petition is excessive. They shall therefore be paid interest on the said benefits @ 6% p.a. from 02.06.2017 till the date of actual payment.

So the judgment of Learned Single Judge is confirmed in all respects except with regard to claim of interest and such interest on benefits payable to respondents shall be at 6% p.a. from 02.06.2017 till date of actual payment.

Pending application, if any, stands disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

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