

**HIGH COURT OF TRIPURA**

**AGARTALA**

**WP(C) No.606 of 2025**

**Smt. Sumati Sarkar,**  
W/o Sri Arabindu Nandi, resident of Dhajanagar (Police Line), P.O. Gakulpur, P.S. R.K. Pur, District-West Tripura.  
.....Petitioner(s);

**V E R S U S**

- 1. The State of Tripura,**  
Represented by the Chief Secretary, Government of Tripura, Agartala, Civil Secretariat, P.O. Kunjaban, Pin-799006.
- 2. The Director of Social Welfare and Social Education,**  
Government of Tripura, Abhoynagar, P.O. Abhoynagar, Agartala, P.S. East Agartala, District-West Tripura.
- 3. The Secretary to the Government of Tripura,**  
Department of Finance, Civil Secretariat, P.O. Kunjaban, Pin-799006.
- 4. Child Development Project Officer,**  
Matabari, ICDS Project, Udaipur, District-Gomati Tripura.
- 5. Accountant General,**  
Tripura, Malancha Nivash, P.O. Kunjaban, P.S. East Agartala, District-West Tripura.  
.....Respondent(s);

For Petitioner(s) : Mr. Samar Das, Advocate.

For Respondent(s) : Mr. P. Gautam, Sr. G.A.,  
Mr. Debalay Bhattacharya, Sr. Advocate,  
Mr. Agniva Chakraborty, Advocate.

Date of hearing : **27.01.2026.**

Date of Judgment & Order : **27.01.2026.**

Whether fit for reporting : 

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|-----|----|
| YES | NO |
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**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**JUDGMENT & ORDER (ORAL)**

Heard learned counsel of both sides.

**[2]** Pleadings of the parties are complete. With the consent of both sides, the case is finally heard and being disposed of by this judgment.

[3] The petitioner, Smt. Sumati Sarkar was appointed vide memorandum dated 28.04.1999 as a School Mother under the Directorate of Social Welfare & Social Education, Government of Tripura, Agartala temporarily on a consolidated fixed pay for 12(twelve) months. Thereafter, again she was appointed to the same post on a fixed pay basis vide memorandum dated 13.01.2000 (Annexure-2). Subsequently, vide memorandum dated 16.12.2009 (Annexure-4), her service was regularized, and ultimately she went on superannuation from the said post of School Mother on 31.01.2024. Now it is her grievance that while providing her post retiral benefits, her past service was not counted and, therefore, she has preferred the writ petition.

[4] Identical issue was earlier raised in case of **Smti. Mamata Rani Roy (Saha) versus the State of Tripura and others [WP(C) No.77 of 2015]** decided on **08.10.2015**, wherein the Division Bench of this Court held as under:

“11. It would also be pertinent to mention that the Central Government and the Government of Tripura have taken a decision that even half of the services rendered by an employee on daily wages shall be counted towards qualifying service. The person appointed on fixed pay basis is on a much better footing than a person appointed on daily wages and if half of the service rendered by a daily wages employee can be counted for determining his/her qualifying service, I see no reason why the full service rendered by a fixed pay employee should not be counted towards her qualifying service if this uninterrupted service is followed by regular service.

12. In view of the above discussion, the writ petition is allowed with costs assessed at Rs.5,000/- (rupees five thousand) and it is directed that the service rendered by the petitioner from the date of her joining as School Mother on fixed pay basis pursuant to the letter of appointment dated 19-07-1990 till her regularisation shall be added to her regular service from 01-10-2007 till her

superannuation on 03-11-2007 for calculating her pension and other retiral benefits. The State shall ensure that the pension is accordingly fixed and all retiral benefits be released in favour of the petitioner latest by 31st January, 2016 along with interest @ 9% per annum from the date of retirement of the petitioner, i.e. 30-06-2013 till payment/deposit of this amount.”

[5] Thereafter, one Smt. Smriti Rani Acharjee filed one writ petition against the State of Tripura and others [WP(C) No.295 of 2022], praying for counting her past service rendered as School Mother on consolidated pay for the purpose of computing her retiral benefits. A Co-equal Bench of this Court vide judgment dated 31.03.2022, relying on the decision of this Court in case of **Smti. Mamata Rani Roy (Saha)** (supra), allowed the said writ petition directing the respondents to count the contractual period of service rendered by the petitioner prior to her regularization and then re-compute the pensionary and other benefits which she was entitled. The said decision was challenged before the Division Bench of this Court in W.A. No.135 of 2022, wherein the Division Bench also vide judgment dated 04.07.2024 dismissed the said appeal keeping in view of the decision of this Court in case of **Smti. Mamata Rani Roy (Saha)** (supra). The State, thereafter, preferred Special Leave to Appeal(C) No.32435-32438/2025 against the said decision and the Hon'ble Supreme Court vide judgment dated 10.11.2025 ultimately declined to entertain the said Special Leave to Appeal(C), and accordingly, it was dismissed.

[6] Learned counsel, Mr. Samar Das, in view of above said previous decisions of this Court, both passed by the Single Bench as well as the Division Bench and finally affirmed by the Hon'ble Supreme Court, submits that the writ petition may be allowed accordingly giving similar directions to the respondents.

[7] Learned senior Government Advocate, Mr. P. Gautam, for State-respondents under instructions from his clients submits that already the matter has been finalized after the decision of the Hon'ble Supreme Court in above said case and, therefore, necessary order may be passed

accordingly. However, the learned Senior Government Advocate also submits that the State is in some financial crunch and, therefore, a considerable period may be allowed to the State-respondents to comply with the judgment.

**[8]** The Court has considered the submissions of both sides and also the previous decisions of this Court and of the Hon'ble Supreme Court as reflected earlier. As the matter is already settled by the judicial pronouncements up to the Apex level, nothing further remains for adjudication in the writ petition.

**[9]** In view of the above, the instant writ petition is allowed. The respondents are directed to count the service of the writ petitioner rendered as School Mother prior to her regularization on fixed pay basis for the purpose of determining her pensionary and other related benefits which she is entitled in accordance with rules. The arrears, if any, shall be disbursed to the petitioner within 4(four) months from the date of receipt of a copy of this judgment.

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

सत्यमेव जयते

**JUDGE**