



**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.716/2025

Smt. Madhumita Das Roy, W/O. Late Joydip Das, R/O. ITI Road, Indranagar,
Agartala, West Tripura, P.O. Kunjaban, P.S. NCC Police Station, PIN-799006.
..... Petitioner(s).

V E R S U S

1. The State of Tripura, (To be represented the Secretary, Urban Development Department, Government of Tripura), New Secretariat Building, New Capital Complex, Kunjaban, P.S.-New Capital Complex, Agartala, West Tripura, PIN 799010.
2. The Director, Urban Development Department, Government of Tripura, O/o the Director, Urban Development Department, 5th Floor of U.D. Bhawan, Sakuntala Road, Near Rabindra Bhawan, P.S. West Agartala, Agartala, West Tripura, PIN 799001.
3. Teliamura Municipal Council, to be represented by its Chief Executive Officer, O/o the Chief Executive Officer, Teliamura Municipal Council, Netajinagar, Near Motorstand, Teliamura, P.S.-Teliamura, Khowai Tripura, PIN-799205.
4. The Chief Executive Officer, Teliamura Municipal Council, O/o the Chief Executive Officer, Teliamura Municipal Council, Netajinagar, Near Motorstand, Teliamura, P.S.-Teliamura, Khowai Tripura, PIN-799205.
5. The Deputy Chief Executive Officer, Teliamura Municipal Council, O/o the Deputy Chief Executive Officer, Teliamura Municipal Council, Netajinagar, Near Motorstand, Teliamura, P.S.-Teliamura, Khowai Tripura, PIN-799205.
6. The Accountant General (A & E), Tripura, O/o the AG (A & E), Tripura, Kunjaban, Agartala, P.S.-NCC, West Tripura, PIN-799006.
7. Smt. Anjali Das, W/o. Late Bhanu Bhushan Das, R/O. Ganki, Khowai, near Fire Service Office, P.O.-Ganki, P.S.-Khowai, District-Khowai, Tripura, PIN-799201.

.....Respondent(s).

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Ms. Urbashi Das, Advocate.
For Respondent(s)	: Mr. Karnajit De, Addl. G.A., Mr. Soumyadeep Saha, Advocate, Mr. Agniva Chakraborty, Advocate.



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

Order

19/05/2026

Heard both sides.

2. The petitioner is the widow of Late Joydip Das, who was employed as an Assistant Engineer in the Urban Development Department of Government of Tripura and was posted at Teliamura Municipal Council and who died on 02.10.2024.

3. The petitioner has filed this Writ Petition seeking regular monthly family pension in her favour and also remaining 25% of gratuity as the legal heir of the deceased husband.

4. It is not in dispute that issue relating to "family pension" is governed by the CCS (Pension) Rules and under Rule 54(8)(ii), if a deceased Government servant or pensioner leaves behind a widow or widower, the family pension would become payable to the widow or widower, failing which to the eligible child.

5. Since there is no dispute that the petitioner is the wife of the deceased, she alone is entitled to family pension as per the above Rule and none else.

6. Coming to the aspect of gratuity, a Division Bench of this Court in the case of *Agartala Municipal Corporation v. Sri Samir Kumar Ghosh & others* (Judgment dt.29.01.2021 in W.A. No.185 of 2020) has held that the payment of gratuity of employees of the Corporation is covered by the Payment of Gratuity Act, 1972, in view of Section 1(3)(c) of the said Act, and



a notification was issued on 08.01.1982 in that regard covering "local bodies" having employees more than ten persons.

7. In the Payment of Gratuity Act, Section 4 provides for such payment of gratuity in the case of death of an employee to his nominee or if no nomination has been made, to his heirs.

8. In view of the above provision of law, the petitioner, her son and her mother-in-law are each entitled to 1/3rd share.

9. Admittedly, petitioner was paid only Rs.7,50,000/- treating the ceiling limit of gratuity payable to the petitioner as per the norm of the respondents to be only Rs.10,00,000/-, but as per the Payment of Gratuity Act, 1972, the limit of gratuity payable has been enhanced from Rs.10 lakhs to Rs.20 lakhs by Notification No.S.O.1420(E), dated 29.03.2018, which is attracted in the instant case in view of the above decision of this Court.

10. Keeping this in mind, the following is the calculation of Death-cum-Retirement Gratuity of deceased Joydip Das, Ex-Assistant Engineer of Teliamura Municipal Council, Khowai Tripura, submitted by the respondents:

- | | |
|--|------------------------------|
| "1. Emolument reckoning retirement (Basic Pay) | :-Rs.92,400/- |
| 2. Total period of Service | :-26 years 09 months 17 days |
| | = 54 units. |
| 3. Date of Commencement of Service | :- 16-12-1997 |
| 4. Date of Ending of service | :-02-10-2024 |
| 5. Numbers of units | :-54 |
| 6. Average Pay | :-Rs.92,400/- |

RETIREMENT GRATUITY ADMISSIBLE

Upper limits 20 Lakh

DCRG Last Pay Rs.92,400 X 54 units = Rs.24,94,800/-

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Payable **Rs.20,00,000** as maximum limit 20 lakh."



11. Thus, total amount of Rs.20 lakhs is to be paid to the petitioner, her son and to her mother-in-law in equal shares as per second proviso to sub-section (1) of Section 4 of the Act.

12. Therefore, each of them would get Rs.6,66,666/-.

13. Petitioner has produced the evidence to show that out of Rs.7,50,000/- received by her from the respondents, she has transferred Rs.4,12,000/- to the brother-in-law of the petitioner to be paid to the mother-in-law of the petitioner.

14. Therefore, the petitioner and her son together are entitled to a further sum of Rs.9,95,332/- and the mother-in-law of the petitioner is entitled to Rs.2,54,660/- from the respondents. The said payment shall be made by the respondents to the parties as indicated above within 6(six) weeks along with interest as per sub-section (3-A) of Section 7 of the Payment of Gratuity Act, 1972.

15. The arrears of family pension shall be paid to the petitioner also with interest @ 9% per annum as per the judgment of the Supreme Court in the case of *D.D. Tewari (Dead) through LRs v. Uttar Haryana Bijli Vitran Nigam Limited and others*¹. In that case, it was held that for the delay in payment of pension, the respondents shall pay the arrears of family pension with 9% interest per annum.

16. The Writ Petition is disposed of in view of above terms.

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

(M.S. RAMACHANDRA RAO, CJ)

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¹ (2014) 8 SCC 894