THE HIGH COURT OF TRIPURA
A G A R T A L A

WP(C) 333 of 2010

Sri Amulya kumar Sharma,
S/O Late Aswini kumar Sharma,
Resident of Pragati Road, North Nayapara,
P.O.- Dharmanagar, P.S.- Dharmanagar,
District- North Tripura, PIN- 799250.

.... **Appellant**.

VERSUS

1. **The State of Tripura**,
Represented by Principal Secretary,
Department of Taxes, etc. Civil Secretariat,
P.O.- Agartala, District- West Tripura.

2. **The Commissioner of Taxes**,
Government of Tripura, Palace Compound,
P.O.- Agartala, District- West Tripura.

3. **Tripura Road Transport Corporation**,
Represented by the Managing Director,
Krishnanagar, P.O.- Agartala,
District- West Tripura.

4. **The Superintendent of Taxes**,
Government of Tripura,
P.O.- Dharmanagar, District- North Tripura.

.... **Respondents**

BEFORE
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA
THE HON'BLE MR. JUSTICE U.B. SAHA

For the petitioner	:	Mr. DC Roy, Advocate
For State respondents	:	Mr. S.Chakraborty, Advocate
For respondent TRTC	:	Mr. P. Dutta, Advocate
Date of hearing and delivery of judgment.	:	26.02.2015.
Whether fit for reporting	:	YES / NO

JUDGMENT & ORDER(ORAL)

Deepak Gupta, CJ

By means of this petition, the petitioner has prayed that the respondent, State of Tripura be directed to absorb him in the Tax department and pay him pensionary benefits.

2. The undisputed facts are that the petitioner was selected in the Tripura Road Transport Corporation as a Lower Division Clerk and joined as such on 01.04.1974. He was promoted as Upper Division Clerk on 02.09.1982. On 07.08.2001, twenty six years after he had served in the Tripura Road Transport Corporation he was deputed to work as Upper Division Clerk in the office of the Commissioner of Taxes, Government of Tripura, Agartala. The petitioner continued to work there. Within one year of his being sent on deputation, he started making representations that he should be absorbed in the Tax Department of the State of Tripura. The first representation was made on 22.06.2002. None of his representations were accepted and in fact it appears that no reply was given to the same. The petitioner, however, did not care to approach this Court within a reasonable time and he attained the age of superannuation on 31.03.2007. Thereafter his services were extended for a period of three months up to 30.06.2007 and he retired on 30.06.2007.

3. The petitioner filed a writ petition only on 04.08.2010 after he had already superannuated and received the retiral benefits from his parent department i.e. Tripura Road Transport Corporation.

4. The main issue appears to be that whereas employees of the Tripura Road Transport Corporation are not entitled to pension employees of State government are entitled to pension. The petitioner did not file a petition in this Court while he was serving in the government. At that time, if he had filed a petition, the government may have decided not to keep him on deputation and might have reverted him to the parent department. The petitioner has voluntarily worked on deputation in the Tax department. It is true that he represented that he may be absorbed but he did not even care to file a petition when he was still in service but filed the petition more than three years after he had retired from service.

5. Such a petition cannot be entertained at this stage and this Court cannot grant any direction to the State to absorb an employee who has already retired from service from his parent department.

6. Therefore, we do not find any merit in the petition which is accordingly dismissed.

JUDGE **CHIEF JUSTICE**

Saikat