HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.295/2020

Samanta Kumar Debbarma

----Petitioner(s)

Versus

The State of Tripura & another

-----Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Advocate,
Mr. Samarjit Bhattacharjee, Advocate,
Mr. Kawsik Nath, Advocate.

For Respondent(s) : Mr. Dipankar Sharma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

02/12/2020

Petitioner is the son of deceased Government servant. The father of the petitioner was working as an LDC in Government service when he retired while in service on 23.10.2017. The Government servant was survived by a son and a widow. The petitioner was married. He applied for compassionate appointment in terms of the die-in-harness scheme framed by the Government. At one stage, the Government considered his request favourably and an offer of appointment was issued on 14.02.2019. However, this offer never culminated into an order of appointment in favour of the petitioner upon which he filed this petition.

2. The case of the respondents is that the petitioner had made a false declaration in the attestation form for appointment on compassionate grounds. He had suppressed that he was married and that his wife was employed as a Government teacher. A copy of the attestation form filed by the petitioner is produced at Annexure-R/10 with the reply.

3. Briefly stated the defence of the petitioner is that he had made full declaration in the attestation form, however, he was persuaded, in fact almost forced into deleting the details about his wife by the staff of the Government office accepting the declaration.

4. Further defence of the petitioner is that his wife was appointed as a Government teacher, however, by virtue of the judgment of this Court in case of ***Tanmoy Nath and others vrs. State of Tripura and others*** reported in ***(2014) 2 TLR 731***, the same was liable to be terminated. The appointment of the wife of the petitioner continued on ad-hoc basis from time to time and finally she has been terminated w.e.f. 31.05.2020. In any case, according to the petitioner on account of matrimonial disputes the petitioner and his wife are residing separately and she is no longer a source of support to the family.

5. In my opinion, the grounds raised by the petitioner cannot be accepted. In the attestation form which the respondents have produced and which the petitioner had filled up, he had given no details of his correct marital status as well as the fact that the wife was engaged as a Government school teacher. Even ignoring the question of suppression, the fact remains that when the father of the petitioner expired and when the petitioner applied for compassionate appointment, looking to the salary of the wife of the petitioner, the family cannot be stated to be in destitute condition. Had the petitioner made correct declaration, the Government surely would not have offered compassionate appointment. In fact, the inquiry conducted by the SDM about the source of income of the family carries a declaration that annual income does not exceed Rs.60,000/-. This must be on the basis of the declaration by the petitioner himself and was also inaccurate since it does not take into account the income of the wife. The fact that subsequently merely three years later the wife lost the job cannot be a ground to hold that at the relevant time the family was in dire need of financial assistance. Further the case of the petitioner that the husband and the wife are residing separately due to matrimonial disputes has come for the first time in the writ petition and is not backed by any other contemporaneous evidence.

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6. In the result, petition fails and is dismissed.

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

(AKIL KURESHI), CJ

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