HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) No.343/2020

Sri Mithu Das

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Advocate.
Mr. Kawsik Nath, Advocate.
Ms. Aradhita Debbarma, Advocate.
Ms. Nibedita Ghosh, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharjee, GA.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

16/12/2020.

The petitioner is aggrieved by the inaction on part of the respondents in releasing the remaining amount lying in the GPF account of late Naba Kumar Das and for releasing the benefits of leave encashment and Government linked insurance scheme and the amount of DCRG.

Naba Kumar Das was an Under Graduate Teacher in Government school. He died while in service on 29th September, 2013. He was

unmarried. The petitioner is his nephew. He claims that the deceased teacher had nominated him in the service book for receiving his post death benefits.

The respondents have appeared and filed the reply disputing this averment of the petitioner. They have produced a document where the petitioner is described as unmarried but at another place in the same document, the name of the present petitioner is shown as a spouse of the deceased teacher. In any case, the stand of the department is that in absence of any nomination in the service book, the benefits cannot be released in favour of the petitioner. Such benefits can be released only on the basis of succession certificate issued by a competent Court.

To make things beyond dispute, I had requested the learned Government Advocate to produce the original service book of the deceased, which did not show any declaration of nomination by the deceased employee. Learned counsel for the petitioner was also given excess to this service book. No document of nomination is found in the service book.

In the result, the prayers made by the petitioner cannot be granted. The petitioner shall have to take recourse to appropriate remedy if, he

claims to be the sole or co-legal heir of the deceased on the basis of which he can receive the said payments.

With these observations, petition is disposed of. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

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HIGH COURT OF TRIPURA

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