HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.418/2020

Smt. Mina Mandal

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

For Petitioner(s)	: Mr. P. Roy Barman, Advocate.
For Respondents No.1 to 3	: Mr. Dipankar Sharma, Addl. G.A.
For Respondent No.4	: Mr. Bidyut Majumder, Asstt. S.G.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

19/11/2020

Heard learned counsel for the parties for final disposal of the petition.

Petitioner has prayed for a direction to the respondents to grant full pension upon completion of more than 25 years of service in terms of Rule 5 of Tripura State Civil Services (Revised Pension) Rules, 2009. The petitioner was appointed on temporary basis as a Senior Statistical Officer in Statistical Department, Government of Tripura under memo dated 23.08.1975. In due course of time she was granted promotions. On attaining the age of superannuation, she retired w.e.f. 31.10.2006. The Government of

Tripura framed Tripura State Civil Services (Revised Pension) Rules, 2009. These rules were given effect from 01.01.2006. Under Rule 5 of the said rules the minimum service for full pension was reduced from 33 years to 25 years. However, this benefit would be available only to those who retired on or after 01.01.2009, though the rules themselves were given retrospective effect from 01.01.2006, as noted earlier. A group of employees situated similarly as the petitioner approached the High Court by filing ***WP(C) No.430 of 2019*** and connected petitions in case of ***Sri Binoy Bhushan Nag vs. The State of Tripura and others*** and prayed that they may be given the benefit of Rule 5 of the Tripura State Civil Services (Revised Pension) Rules, 2009 though they had retired prior to 01.01.2009, but after 01.01.2006. This batch of petitions was disposed of by a judgment dated 24th/31st January, 2020 giving following directions:

> "**[19]** In the result, all petitions are disposed of with following directions and declarations:
>
> (1) The cut-off date of 01.01.2009 contained in Rule 5 of the ROP 2009 for applicability of reduced length of qualifying service for receiving full pension is held unconstitutional.
>
> (2) Consequently, all the petitioners who have retired after 01.01.2006 would receive the benefit flowing from Rule 5 of ROP 2009 irrespective to the fact that they retired prior to 1.1.2009.

> (3) The respondents shall verify the service details of the petitioners, re-fix their pension in terms of Rule 5 of the ROP 2009. Such pension fixation and its periodic revision would be done on notional basis from the date of the retirement till the date of filing of the petitions after which all the petitioners would be entitled to actual difference in pension prospectively. Entire exercise shall be completed within a period of four months from today."

Since on all material aspects, facts of the present petition are similar, this petition is also disposed of adopting the same directions contained in the judgment in case of ***Binoy Bhushan Nag*** (supra). The timeline granted in the said case would suitably apply in the present petition from the date of this judgment.

The respondents have taken a curious stand in the affidavit-in-reply suggesting that the petitioner has already been granted full pension. They have, however, not demonstrated this statement by giving figures. Firstly, considering the Government's stand in connected petitions it is unlikely that this statement of the petitioner being granted full pension is accurate. If there is any error in this statement, the petitioner's pension shall be revised as per the directions above. If on other hand, despite the Government's stand of Rule 5 of the said Rules not being applicable to the employees who retired before 01.01.2009, the petitioner has been granted

full pension, the same shall stand regularized by virtue of the directions contained in this judgment.

Petition is disposed of accordingly.

(AKIL KURESHI), CJ

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HIGH COURT OF TRIPURA
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