HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) No.805/2020

Sri Ranendra Narayan Das

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. Raju Datta, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Asstt. SG.
Mr. Debalay Bhattacharjee, GA.

HIGH COURT OF TRIPURA

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

18/12/2020.

The petitioner was serving in Police Department. He retired from service with effect from 31.08.2020. The authorities however, withheld his gratuity and leave encashment benefits on the ground that by virtue of the decision of Division Bench in Writ Appeal, a recovery of a sum of Rs.21,30,654/- had arisen. Mr. Raju Datta, learned counsel for the petitioner pointed out that the petitioner had thereafter filed Review Petition No.05 of 2020, which was allowed in the judgment of the Division Bench qua the petitioner was recalled. The petitioner has therefore prayed for quashing the said order dated 21.10.2020. His counsel contended that

since this order was passed solely on the basis of the order in Writ Appeal, the same should be set aside since the order of the Writ Appeal in case of the petitioner does not survive. In facts of the present case however, I am not inclined to interfere. Firstly, the petitioner has already retired from service and if, the recovery of sizable sum of over payment arises, it would be difficult to recover from his emoluments. More importantly, the petitioner's review was allowed on a technical ground of no hearing being granted to the petitioner. The Writ Appeal of the Government is revived and is yet to be disposed of. Significantly, the judgment of the Writ Appeal involved large number of similarly situated employees and the judgment continues to operate qua many of them.

For such reasons, petition is dismissed.

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

(AKIL KURESHI), CJ

sima