

**THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No. 229 OF 2013

Sri Debajit Banik

S/O Sri Braja Gopal Banik

resident of Madhya Laxmibill, Office tilla,

P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala.

... **Petitioner.**

- **Versus** -

1. The State of Tripura

represented by the Principal Secretary

Department of School Education, New Capital Complex,

P.O. Kunjaban, P.S. East Agartala, District- West Tripura.

2. The Director

Department of School Education,

Government of Tripura, P.O. Agartala, Tripura West.

3. The School Inspector

Department of School Education,

P.O. Bishalgarh, P.S. Bishalgarh, District- Sepahijala, Tripura.

... **Respondents.**

**BEFORE
THE HON'BLE MR. JUSTICE U.B.SAHA**

For the petitioner : Mr. D. Dutta, Advocate.

For the respondents : Mr. TD Majumder, GA

Date of hearing & delivery

of Judgment and Order : **31.05.2016.**

Whether fit for reporting : YES / NO

JUDGEMENT AND ORDER (ORAL)

The instant writ petition is filed by the petitioner for a direction to the respondents to provide him a job under the die-in-harness scheme, in force, in the State of Tripura.

2. Heard Mr. D.Dutta, learned counsel appearing for the petitioner as well as Mr. TD Majumder, learned Government Advocate appearing for the State-respondents.

3. The case of the petitioner, in short, is that the mother of the petitioner, namely, Kanak Prava Banik was appointed as a school teacher under the Department of School Education, Government of

Tripura. While she was in service, she died on 11.04.2007. After the death of his mother, the petitioner has made an application for a job and the said application was considered by the respondent, Director of School Education vide memo dated 15.07.2009 wherein it was mentioned that he could not be provided employment as he was minor at the time of death of his mother. In the said memo, it was also stated that in absence of his eligibility for job under die-in-harness scheme, he is eligible for providing financial assistance of an amount of Rs.50,000/-, as such he may apply for financial assistance but as the petitioner was not happy with the said memorandum, he filed the instant writ petition.

4. The respondents in its affidavit in opposition has specifically stated that the mother of the petitioner died on 11.04.2007 when the petitioner was aged about 16 years 2 months. Under the die-in-harness scheme, one must acquire eligibility on the date of death of the employee for consideration of employment under the die-in-harness scheme. As there was no eligible person in their family for providing job under the die-in-harness scheme, the Government has sanctioned an amount of Rs.50,000/- out of which an amount of Rs.48,000/- has to be deposited in the monthly income scheme and rest amount of Rs.2,000/- will be deposited by way of purchasing Kishan Bikash Patra in the Postal department. It is further stated that though the mother of the petitioner died in the year 2007 but the petitioner approached this Court for a direction to appoint him under die-in-harness scheme in the year 2013, which itself is a ground for dismissing the writ petition.

5. Mr. D.Dutta, learned counsel appearing for the petitioner fairly submits that as per the die-in-harness scheme of the government, the petitioner is not entitled to get a job and he is entitled only to the financial assistance which the government has already provided.

6. Mr. TD Majumder, learned Government Advocate submits that compassionate appointment is not a right rather a concession and in the instant case, the petitioner is also not entitled to the job under die-in-harness scheme as he is not eligible under the scheme at the time of death of his mother. He further submits that after the death of the mother of the petitioner, the family of the petitioner might have got family pension and other service benefits. He also submits that the petitioner may accept the financial assistance, as sanctioned by the authority.

7. This Court has gone through the scheme as well as the contentions made in the writ petition as well as the affidavit in opposition. According to this Court, the petitioner is not eligible for any job under die-in-harness scheme. It appears from the record that the respondent has already sanctioned an amount of Rs.50,000/- as financial assistance, which the petitioner is entitled to get in accordance with the scheme.

8. In view of the above, the instant writ petition is dismissed being devoid of merit. However, as the petitioner is entitled to financial assistance in accordance with the scheme, Mr. Dutta, learned counsel for the petitioner submits that the petitioner may make an application for releasing the financial assistance in favour of him. If the petitioner files any application, then the authority may release the amount of financial assistance as per provision of the scheme within a period of one month from the date of receipt of the application. Ordered accordingly.

No order as to costs.

JUDGE