

THE HIGH COURT OF TRIPURA AGARTALA

WP(C) NO.120 OF 2016

Sri Sukanta Choudhury,
son of late Mintu Choudhury,
resident of Dhaleswar Road No.18,
PO -Dhaleswar,PS- East Agartala,
Sub-Division- Agartala,District- West Tripura

..... Petitioner

- Vs -

1. The State of Tripura,
represented by the Secretary,
Home Department, Government of Tripura,
having his office at New Civil Secretariat Complex,
Gurkhabasti, PO- Kunjaban, PS- New Capital Complex,
District- West Tripura.

2. The Director General of Police, Tripura,
having his office at Police Head Quarters,
Fire Brigade Chowmuhani, Agartala,
PO - Agartala, PS - West Agartala, District- West Tripura.

3. The Assistant Inspector General of Police (Ops),
Tripura, having his office at Police Head Quarters,
Fire Brigade Chowmuhani, Agartala,
PO- Agartala, PS- West Agartala, District- West Tripura.

4.The Deputy Secretary, Home Department,
Government of Tripura,having his office at New Secretariat Complex,
Gurkhabasti, PO- Kunjaban, PS- New Capital Complex,
District- West Tripura.

5. The Superintendent of Police (Procurement),
West Tripura, Agartala, having his office at Police Head Quarters,
Fire Brigade Chowmuhani, Agartala,
PO- Agartala, PS- West Agartala, District- West Tripura.

.....Respondents

**BEFORE
THE HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner : Shri Somik Deb, Advocate

For the respondents : Shri S. Chakraborty, Additional GA.

Date of hearing & delivery
of Judgment & order : **30.06.2016.**

Whether Fit for Reporting :

Yes	No
	✓

JUDGMENT & ORDER(ORAL)

The writ petition is taken up for disposal at the admission stage itself.

2. Heard learned counsel, Mr. Somik Deb for the petitioner and learned Addl. G.A., Mr. S. Chakraborty for the respondents.

3. The mother of the petitioner, namely, Smt. Jayanti Choudhury died-in-harness on 13.07.2011 leaving behind the petitioner eligible to approach the authorities for the benefits under die-in-harness scheme formulated by the Government of Tripura. Jayanti Choudhury was working as Group-D employee under respondent No.2 on the date of her death.

4. The petitioner being the son of the deceased employee Jayanti Choudhury made an application on 30.09.2011 to the Superintendent of Police i.e. respondent No.5 to provide him a suitable job under the die-in-harness scheme. That prayer of the petitioner was considered and rejected on the ground that memo dated 26.05.2012 came into force w.e.f 01.04.2012 whereunder the upper age limit was extended to 40 years to get a government job and so, the petitioner was not eligible.

5. By letter dated 22.03.2013 (Annexure-6 to the writ petition) the respondent No.4 communicated the Government decision to the Director General of Police that the petitioner was not eligible to get a job and that he may get financial assistance under the scheme.

6. It is submitted by learned counsel, Mr. Deb that the prayer of the petitioner has been rejected on the ground that the petitioner's mother died on 13.07.2011 before the notification dated

26.05.2012 came into effect and so, the petitioner's prayer for providing a job was not considered.

7. It is an admitted position that Jayanti Choudhury, mother of the petitioner died on 13.07.2011 and the petitioner applied on 30.09.2011 for a job which was within one year time prescribed under the scheme. The date of birth of the petitioner as stated in the writ petition is 03.01.1972. On the date of death of Jayanti Choudhury as well as the date the petitioner applied for the job i.e. on 30.09.2011, the upper age limit for a Government job was 37 years and the petitioner already crossed 37 years at that relevant point of time. The petitioner claimed benefit of memo dated 26.05.2012 (Annexure-7 to the writ petition). This notification admittedly came into force w.e.f 01.04.2012 and under this notification the upper age limit was extended to 40 years from 37 years.

8. It is candidly submitted by Mr. Deb, learned counsel that the very first paragraph of the notification prescribes that the date of determining the age limit shall be fixed on the date of application of the particular post. So, on the date of application the petitioner did not attain 40 years and therefore the petitioner was eligible for the Government job under the scheme.

9. I cannot agree with the submission of learned counsel, Mr. Deb since the memo should be read as a whole. There is no doubt in my mind that on the date of filing the petition for the job the upper age limit for seeking a Government job was 37 years and the petitioner was not eligible to make the application for the job. When the upper age limit was extended to 40 years the petitioner already crossed 40 years since the memo came into force w.e.f 01.04.2012. So, there is no scope to arrive at a conclusion that on the date of making the application the petitioner was eligible i.e. either within 37 years of age or 40 years of age. Since the petitioner was not within the prescribed age limit for a Government job, I find nothing wrong in the rejection of the petition for providing him a job under the scheme. But

he is entitled to get the financial assistance as per the scheme which is mentioned in the letter of the Deputy Secretary i.e. the respondent No.4.

10. The writ petition is, therefore, found to be devoid of merit and hence dismissed subject to observation that the petitioner is entitled to get the financial assistance as per the scheme.

JUDGE

Suhanjit