THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No. 1698 of 2017

Smt. Shila Das,
wife of Sri Pramatha Kumar Deb,
resident of Chandrapur,P.O. Dharmanagar,
P.S. Dharmanagar, District- North Tripura

... *Petitioner*

- **Versus** –

1. **The Union of India**,
   represented by the Secretary, Government of India,
   Human Resources Development Department,
   North Block, New Delhi-110001

2. **The State of Tripura**,
   represented by the Secretary, Government of Tripura,
   Education Department (Social Welfare & Social Education),
   Pandit Nehru Complex, Gorkhabasti, P.O. Kunjaban,
   P.S. East Agartala, District- West Tripura

3. **The Director**,
   Social Welfare & Social Education, Government of Tripura,
   Pandit Nehru Complex, Gorkhabasti, P.O. Kunjaban,
   P.S. East Agartala, District- West Tripura

... *Respondents*

BEFORE
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner	:	Mr. Somik Deb, Advocate
For the respondent no. 1	:	Mr. H. Deb, ASG
For the respondent no. 2, 3:		Ms. AS Lodh, Addl. GA
Date of hearing & delivery of Judgment and Order	:	21.12.2017
Whether fit for reporting	:	NO

JUDGEMENT AND ORDER (ORAL)

Heard Mr. Somik Deb, learned counsel appearing for the petitioner as well as Mr. H. Deb, learned ASG appearing for the Union of India-respondent and Ms. AS Lodh, learned Additional GA appearing for the State-respondents.

2. The grievance of the petitioner falls within a very short compass. The petitioner has not been given any retiral benefit,

even though, she has retired from the post of Supervisor (ICDS) for the reason that she has not acquired the qualifying service for such benefit.

3. Mr. Somik Deb, learned counsel appearing for the petitioner has submitted that the issue raised is this petition is no more *res-integra* in view of a decision of this Court rendered by the judgment and order dated 24.01.2017 in WP(C) No. 71 of 2011[Sri Satyendra Kr. Banik & another vs. State of Tripura & another etc]. In the said judgment, this Court had clearly directed the respondents in the following manner:

> "14. The Writ petitions are therefore allowed to the extent that the State respondents shall take into account 50% of the total period of service rendered as Anganwadi workers by those Supervisor (ICDS) and they should be paid pensionary benefits taking into account such 50% services."

4. There is no dispute that the petitioner has served as the Anganwadi worker for long years and she has retired from the post of Supervisor (ICDS) and as such she is also entitled to get the benefit of 50% of the total period of service that she has rendered as the Anganwadi worker. As such, the petitioner would be entitled to get the retiral benefits as contended by Mr.Somik Deb, learned counsel appearing for the petitioner. Be that as it may, Ms. Lodh, learned Additional GA has clearly submitted that if after counting 50% of service as rendered by her the Anganwadi worker, the petitioner is entitled to the pension and other retiral benefits and hence she shall be extended such benefit.

5. It was advised by this court that in terms of similar direction, as reflected above, the concerned department shall publish a notification within a short while to avert plethora of litigations by the similarly circumstanced Anganwadi workers who have been appointed on promotion in the regular establishment. The State Litigation Policy must take care of such analogues disputes and act immediately so that the court's proceedings are not congested by the analogous litigations. Ms. Lodh, learned Additional GA has submitted that such notification has been issued, but that is not readily available.

6. Having situated thus, this writ petition is disposed of directing the respondents to allow the petitioner pension and other retiral benefits within a period of 3(three) months after counting 50% of her service as rendered as the Anganwadi worker from the day when the petitioner shall submit a copy of this order. There shall be no order as to costs. A copy of this order be furnished to Ms. AS Lodh, learned Addl. G.A. appearing for the respondents for doing the needful.

JUDGE