

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C) No.520/2020

Smt. Trishna Singha Roy

..... *Petitioner(s)*.

Vs.

The State of Tripura and Ors.

..... *Respondent(s)*.

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

For Respondent(s) : Mr. B Majumder, Asstt. S G.,  
Mr. D Bhattacharjee, Govt. Advocate.

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**

**\_O\_R\_D\_E\_R\_**

**26/11/2020**

The petitioner has prayed for a direction to the respondents to release the family pension in her favour after recalculation on the basis of counting past service rendered by her mother as a School Mother for the purpose of pension fixation.

Short facts are as under :

Mother of the petitioner joined as a School Mother on *ad-hoc* basis on 25<sup>th</sup> July, 1990 in an Anganwadi run by the respondents. Under a memorandum dated 22<sup>nd</sup> November, 2007 her service was regularized w.e.f. 10<sup>th</sup> February, 2007. She expired on 3<sup>rd</sup> October, 2013. Thereafter

the petitioner was granted compassionate appointment in Government service looking to her mother's past service.

The case of the of the petitioner is that this Court has rendered judgments partially counting the past services of the School Mothers rendered before their regularizations, for the purpose of pensionary benefits. According to her, her mother's service rendered between 25<sup>th</sup> July 1990 till 1<sup>st</sup> October 2007 also similarly be counted for pensionary benefits. If this is done, the petitioner would receive family pension for the period between 3<sup>rd</sup> October, 2013 to 12<sup>th</sup> July, 2015.

In my opinion, the petition suffers from gross delay, laches and inaction on part of the petitioner. The mother of the petitioner when she was alive did not take up any issue of the past service being counted towards pensionary benefits after regularization. She expired in the year 2013 upon which the petitioner received no family pension presumably since her mother had not put in qualifying service for pension

Be that as it may, the petitioner was granted compassionate appointment in Government service which she accepted. Now, five years later, the petitioner has approached this Court raising an issue that had the past service of her mother been counted towards pensionary benefits, the petitioner would have received family pension. At any rate, the cause

of action arose on the date of death of the mother. Seven years have passed since then. There is no explanation why the petition was not filed earlier. The cause also cannot be seen as a continuous one since the petitioner's right to receive family pension, even if there was any, would cease upon her being appointed in Government service.

In the result, petition is dismissed. Pending application(s), if any also stands disposed of.

( AKIL KURESHI, CJ)

