

**HIGH COURT OF TRIPURA
AGARTALA**

WA 6/2022

The State of Tripura and others

..... Appellants.

Vs.

Sri Paritush Das

.....Respondent.

For Appellant(s) : Mr. D. Bhattacharya, G.A
Mr. P. Saha, Adv.

For Respondent(s) : Mr. P.K. Pal, Adv.
Mr. S. Datta, Adv.

**HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

Order

28/02/2022

Heard learned counsel for the respective parties.

Learned Government Advocate has sought to challenge the impugned order herein, whereby directions were issued to the State to consider the case of the petitioner under compassionate appointment. The main contention raised by the learned Government Advocate was that the petitioner, after his marriage, was living separately from his parents and consequently, in terms of the Die-In-Harness Rules of the State, he could not be considered for the compassionate appointment. The petitioner has annexed to the original writ petition, his ration card No.0915 issued in the name of the petitioner

containing the name of his wife, son as well as his mother. The ration card indicates their full address as Chotto Surma, Kamalpur, Dhalai, Tripura.

Learned counsel drew our attention to documents filed in the counter affidavit by the State under Annexure- R/3 and the English translation thereon was also produced. Serial No.0915 containing four names as indicated hereinabove was once again reflected and duly certified by the Nodal Officer in the Directorate of Secondary Education.

In view of such a fact, we find that the enquiry report on which basis the State had turned down the application of the writ petitioner for compassionate appointment, no basis is found to support the conclusion noted therein. Though it is recorded in the said enquiry report under Annexure- R/2 that Shri Paritush Das, applicant herein was not living along with the family of his deceased father Pradip Das at the time of his death, the ration card produced by the writ petitioner as well as the Form R/3 and the English translation thereon clearly indicate that after the death of his father, he was living with his widow mother namely Sukla Das.

We called upon the learned Government Advocate to indicate to us as to whether there was any separation of residence in the present case. But, no such evidence could be produced before this Court.

In view of such conclusion, we hold that the present writ appeal has no merit and direct implementation of the direction of the Hon'ble Single

Judge. However, we extend the period of its compliance for a further period of two months from today.

In terms of the above, the writ appeal stands dismissed and the matter is disposed of. Pending application(s), if any, shall also stand disposed of.

(S.G.CHATTOPADHYAY), J

(INDRAJIT MAHANTY), CJ

