

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A_
WP(C) No.264 of 2023

Smti. Tumpa Paul

.....Petitioners

V_E_R_S_U_S

The State of Tripura & 4 Others.

.....Respondents

For Petitioner(s)	:	Ms. A. Debbarma, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.
		Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

28/04/2023

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, learned Deputy SGI and Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for a direction to the respondents to sanction and grant 50% of family pension on behalf of the petitioner being the daughter of late Jiban Paul, Ex-Pump Operator and also for a direction to grant 50% of post retirement benefits such as Gratuity, Leave encashment benefit, general provident fund etc. on behalf of the petitioner being the daughter of late Jiban Paul, Ex-pump Operator.

The petitioner has prayed for the following reliefs:

- i. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to sanction and grant 50% of family pension on behalf of the petitioner being the daughter of late Jiban Paul, Ex-pump Operator.
- ii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby to grant 50% of post retirement benefits such as Gratuity, Leave encashment benefit, general provident fund etc. on

behalf of the petitioner being the daughter of late Jiban Paul, Ex-pump Operator.

iii. Pass an interim order by staying the operation of the PPO No. Pen-2/SUP/PPO/ST/111818118 dated 21.03.2018, by which family pension was sanctioned on behalf of the respondent No.5.

iv. Make the rules absolute.

v. Call for records.”

In this writ petition the petitioner has prayed for sanctioning and grant of 50% family pension and 50% of post retirement benefits such as Gratuity, Leave encashment benefit, general provident fund etc. on behalf of the petitioner being the only daughter and one of the two legal heirs of late Jiban Paul, Ex-pump Operator.

Hence, the present petition has been preferred by the petitioners before this Court for redress.

Having considered the submissions advanced by the learned counsel appearing for both the parties, without expressing any opinion on merits, the present writ petition stands disposed of directing concerned respondents to consider and dispose of the case of the petitioner by issuing notice to the concerned parties as per their service record including the first wife and take a decision in accordance with law as expeditiously as possible. However, the reliefs as claimed in the present petition cannot be granted under Article-226 of the Constitution of India in view of the disputed question of facts are involved with regard to the claims.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE