

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 337 of 2023**

Sri Swadesh Deb and Anr.

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Petitioner (s)	: Ms. N. Ghosh, Adv.
For Respondent(s)	: Mr. K. C. Bhattacharjee, Adv. Mr. S. Saha, Adv.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

31.05.2023

By way of this writ petition filed under Article 226 of the Constitution of India, the petitioners herein have approached before this court for directing the respondents to re-determine the full and final payment of the gratuity of the petitioners and to pay them the rest amount of gratuity along with statutory interest on the principal amount of gratuity.

[2] Following are the reliefs as prayed for by the petitioners:

- (i) *Issue rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the respondents to re-determine the full and final payment of the gratuity of the petitioner and to pay them the rest amount of gratuity along with statutory interest on the principal amount of gratuity.*
- (ii) *Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order/orders and/or directions of like nature shall not be issued whereby directing the respondents to re-determine and cause the full and final payment of gratuity to the petitioner No.1 after taking into account his actual last basic pay i.e. Rs.60,8000/- instead of Rs.59,000/- along with statutory interest, after adjusting the partial payment already made.*
- (iii) *Issue Rule upon the respondents to show cause as to why 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 re-determine and cause the full and final payment gratuity to the petitioner No.2 after taking into account his actual tenure of service i.e. 36 years of service instead of 35 years of service, along with statutory interest, after adjusting the partial payment already made.*
- (iv) *Make the rules absolute.*
- (v) *Call for records.*
- (vi) *Pass any further order/orders as this Hon'ble High Court considered fit and proper.*

[3] Heard learned counsel appearing for the parties.

[4] This is a second round of litigation filed by the petitioner for seeking retirement benefits. Earlier, as is evident from the records, the petitioner has filed a

writ petition being WP(C) 511 of 2022 and the same was disposed of by the order dated 29.09.2022 of this court directing the respondents to make necessary payment of gratuity towards the petitioners after computation of actual payment of gratuity taking into account the ceiling limit of Rs.20,00,000/- (Rupees twenty lakhs) along with interest @6% per annum on delayed payment within a period of three months from the date of passing that order.

[5] It surfaces from the records that in reference to the said writ petition, the respondents have considered the case of the petitioner. By order dated 19.11.2022 which is placed by Mr. K. C. Bhattacharjee and Mr. S. Saha, learned counsel appearing for the respondents during today's court proceeding, the respondents have made the payment in terms of the order dated 29.09.2022 passed in WP(C) 511 of 2022. According to them, there are no more arrears to be paid to the petitioners herein.

[6] On contrary, Ms. N. Ghosh, learned counsel appearing for the petitioners has submitted before this court that the respondents have not considered the service tenure and the last pay drawn by the petitioners. Though the amount has been released, according to the petitioners, still some more money has to be paid by the respondents to the petitioners. In this regard, the petitioner has represented the matter before the respondents on 24.01.2023 and 18.04.2023 but the same is still lying pending before them.

[7] In view of the above discussion and without expressing any opinion on the merit of the case, this writ petition is disposed of directing the respondents to consider the said representations of the petitioners in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order.

[8] With the above observation and direction, this present writ petition stands disposed of.

JUDGE