

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.406 of 2022

For Petitioner(s)	:	Mrs. S. Deb (Gupta), Advocate.
For Respondent(s)	:	Mr. D. Sarma, Addl. G.A. Mr. Kohinoor N. Bhattacharjee, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

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31/03/2023

Heard Mrs. S. Deb (Gupta), learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. and Mr. Kohinoor N. Bhattacharjee, learned counsel appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondents and each of them to appoint the petitioner under compassionate appointment due to death of her father, namely, Lt. Bakul Chandra Das.

[3] The petitioner has prayed for the following reliefs:

i. Admit this petition of the petitioner and call for the records relevant to the subject matter from the custody of the respondents.

ii. As to why writ in the nature of mandamus directing the respondents to the post compassionate appointment of the petitioner due to death of her father namely Lt. Bakul Chandra Das.

AND

iii. Pass such other or further order/orders and directing/directions as to Your Lordship deem fit and proper having regard to the facts and circumstances of the case.”

[4] The case of the petitioner is that the father of the petitioner died in service as Ex-Talua regular employee living behind the petitioner and his wife. The petitioner passing her days with mother in savior hardship and in semi human condition as there is petitioner in the family left by the deceased Bakul Ch. Das to earn bread. The petitioner made an application for her employment on compassionate ground under die-in-harness scheme as adopted by the Government of Tripura time to time.

[5] On 15.03.2021, the petitioner made one application to respondent No.3 to provide her job under die-in-harness scheme. The petitioner studied up to Class-X and she is qualified to be appointed in the suitable post under the Government of Tripura. The petitioner made representation for a suitable job under the scheme of die-in-harness but the respondent No.3 did not allow the prayer of the petitioner.

[6] Mrs. S. Deb (Gupta), learned counsel appearing for the petitioner has submitted that the made an application for her employment on compassionate ground under die-in-harness scheme as adopted by the government of Tripura time to time. On 15.03.2021, the petitioner made one application to respondent with all relevant documents and no objection given by other legal heirs by way of affidavit signed by all the legal heirs.

[7] She has submitted that on 26.12.2015 Govt. of Tripura G.A.(P&T) Department issued a notification vide No. F.1 (2)-GA(P&T)/15 in respect of die-in-harness scheme, Govt. of Tripura. In that notification it is categorically stated responsibility of the department in case of compassionate employment under die-in-harness scheme [Annexure-7 to the writ petition].

[8] The petitioner duly informed the date of death of her father to the department. Accordingly, provisional family pension also sanctioned vide order dated 14.05.2018. The petitioner died never inform regarding the submission of prayer for compassionate employment under die-in-harness scheme. After receiving the regret letter from the respondent No.3, the petitioner and her mother due to pandemic situation could not collect the relevant papers and not in a position to take step for further proceedings.

[9] Mr. Kohinoor N. Bhattacharjee, learned counsel appearing for the respondent has submitted that the respondents admits the contention of the petitioner but, according to the official record of the deceased person was born on 13.05.1961 and the date of his demise was 16.12.2017. Therefore, the father

of the petitioner had completed his age of 56 years 7 months and 3 days at the time of death. The respondent has nothing to say about the age of the petitioner which she has to substantiate but the petitioner is not entitled to be considered for government job under the die-in-harness scheme as per norms of the new policy of the government due to delayed submission of prescribed application for considering employment under the die-in-harness scheme of the government of Tripura, as it violates the procedure of government notification on the issue of receiving employment under this scheme.

[10] He has further submitted that the application of the petitioner has been rejected in view of the delayed submission of the application which is violation of Column-9 of Notification dated 26th December, 2015 wherein, it has been clearly stated that *“claims for employment/financial assistance under Die-in-harness scheme should be submitted before the appropriate authority within 1(one) year from the date of death of the Government servant as per provisions contained under para-1(II) above. The eligibility in all respect shall be determined as on the date of death of the concerned employee.”*

[11] Hence, there is no scope to avail the benefit under the aforesaid scheme after an inordinate delay of almost three years and three months from the date of occurrence. The administrative department i.e. respondent No.3 of this writ petition had been endorsed to the General Administration (P&T), Government of Tripura which settles the cases of die-in-harness of the petitioner. After taking perusal of the instant case the G.A. (P&T) Department has referred to the notification dated 26th December, 2015 for taking necessary action as stated therein. Accordingly, the respondent No.3 has taken up the application of the petitioner and communicated to the petitioner on 26.04.2021 as per the guideline of the government.

[12] In view of above discussion and after perusal of the material evidence on record, this Court is of the opinion that the scheme upon which the present writ petition has been filed seeking compassionate appointment which

is 26th December, 2015 is no longer invoked. Since, in the year 2019 a new scheme has been notified by the Government of Tripura and the petitioner made an application in 2021. Accordingly, the petitioner cannot succeed for any relief referring the scheme which has already been abolished. Accordingly, no rights have been conferred to the petitioner for getting relief under this scheme. Hence, the present petition is devoid of any merits and thus, the same stands dismissed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)

A. Ghosh



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