

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.383 of 2023

For Petitioner(s) : Mr. D. Sarkar, Advocate.
For Respondent(s) : Ms. A. Banik, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

27/06/2023

Heard Mr. D. Sarkar, learned counsel appearing for the petitioner and Ms. A. Banik, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for a direction upon the respondents for releasing the death cum service benefit i.e. gratuity, leave salary and group insurance etc. of deceased employee Smti. Gita Barman wife of Sri Prabir Barman who died on 25.02.2021 in favour of the petitioner.

The petitioner has prayed for the following reliefs:

“a. Issue notice upon the respondents.

b. Call for the relevant records.

c. Admit this petition.

d. Issue rule calling upon the respondents to show cause as to why the writ of mandamus or any other writ shall not be issued upon the respondents to release the death cum service benefit i.e. gratuity, leave salary and group insurance etc. of deceased Smti. Gita Barman wife of Sri Prabir Barman who died on 25.02.2021 in favour of the present petitioner as early as possible.”

The case of the petitioner is that the petitioner has sought for a direction upon the respondents for releasing the death cum service benefit i.e. gratuity, leave salary and group insurance etc. of deceased employee Smti. Gita Barman who died on 25.02.2021 in favour of the petitioner. The petitioner is the daughter of the deceased employee who was a Group-D employee of the respondent No.2.

The deceased employee died on 25.02.2021 leaving behind 3 daughters. It has been submitted by the petitioner that the deceased mother of the petitioner considering the future of the petitioner recorded the name of the petitioner in the service book as nominee with 100% share. Moreover, the petitioner takes care of her mother till her death. The other two daughters never take any care of the mother. The petitioner finding no other alternative made one representation to the respondent No.2 on 24.12.2021 praying for releasing all death cum service benefit of her mother as per will. But, the respondent did not releasing the same till date.

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

It has been submitted by the petitioner that she is the 100% nominee as decided by her deceased mother and she is claiming the same on the strength of a registered will executed by her mother and the other sisters have no further claim on the same. But, this Court is not inclined to go into the said aspect. In view of above, without expressing any opinion on merits, the present petition stands disposed of directing the respondents to consider the representation dated 24.12.2021 filed by the petitioner before the respondents in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of the copy of this order by giving opportunity to all concerned.

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

JUDGE

A. Ghosh

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