
(2015) 05 TP CK 0037
In the Tripura High Court
Case No : WP(C) No. 182 of 2010

Debi Prasad Rakshit

APPELLANT

Vs

The State of Tripura and Others

RESPONDENT

Date of Decision : 27-05-2015

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2015) 05 TP CK 0037

Hon'ble Judges : Deepak Gupta, C.J.; S.C. Das, J

Bench : Division Bench

Advocate : N. Majumder, for the Appellant; S. Chakraborty, Addl. Govt. Adv., P.K. Ghosh and M. Debbarma, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Deepak Gupta, C.J.

1. The short question involved in this writ petition is whether the petitioner is entitled to count the service rendered by him in the west Tripura Marginal Farmers and Agricultural Labourers Development Agency later renamed as District Rural Development Agency (DRDA) for the purposes of pensionary benefits or not.
2. The undisputed facts are that the petitioner joined service as Lower Division Clerk on 24.9.1973 under the west Tripura Marginal Farmers and Agricultural Labourers Development Agency. He was promoted as Upper Division Clerk in the same agency on 01.02.1979. Thereafter the petitioner applied through proper channel for the post of Junior Grade Stenographer in the Public works Department. He was duly selected by the Public Service Commission and joined the Public works Department on 01.7.1980 after being duly released by the agency now named DRDA.
3. The petitioner retired from service on 31.01.2008 and since then he has been praying that the service rendered by him in the DRDA should be counted for

calculating his qualifying service and his pensionary benefits. The stand of the State is that the service rendered in the DRDA was neither a pensionable service nor a government service and hence the petitioner is not entitled to such benefit.

4. Mr. N. Majumder learned counsel for the petitioner, has placed reliance on Annexure P whereby proforma respondent No. 5 who was also serving in the DRDA was given the benefit of counting her service rendered in the DRDA for calculation of pension etc. A specific averment has been made in this behalf in paras 16 to 18 of the petition and the only reply given by the State is that this is a matter of record. In the reply filed by the State not a word has been stated as to how the case of the petitioner is different from that of respondent No. 5. In case the service rendered in the DRDA is not government service or is otherwise not to be counted for calculating the pension then the same rules will apply both to the petitioner and to the respondent No. 5. The State having once taken a decision to grant such benefit to respondent No. 5 cannot now turn around and in the case of the petitioner state that he is not entitled to such benefit.

5. Therefore, without going into the legal aspect of the matter only applying Article 14 of the Constitution of India which clearly lays down that the State must treat everybody equally, we hold that the petitioner is entitled to count the service rendered in the DRDA for the purposes of calculating his qualifying service, pension and other pensionary benefits right from 24.9.1973 to 30.6.1980 since he joined the Public Works Department on 01.7.1980. The pensionary benefits be released in favour of the petitioner latest by 30th November, 2015 failing which the petitioner shall be entitled to interest @ 12% per annum from the date when the amount fell due for payment.

6. The writ petition is disposed of.