

(2014) 11 TP CK 0033
In the Tripura High Court
Case No : Writ Petition (Civil) No. 237 of 2014
Manika Debnath VsThe State of Tripura

Date of Decision : 17-11-2014

Acts Referred:

Citation : (2014) 11 TP CK 0033

Hon'ble Judges : Utpalendu Bikas Saha, J

Bench : Single Bench

Advocate : D.C. Roy, Advocate for the Appellant; R. Guha, Advocate for the Respondent

Judgement

Utpalendu Bikas Saha, J.—The instant writ petition is filed by the petitioner, wife of the deceased Rifleman of 2nd Bn. TSR Gobinda Debnath for a direction to the respondents to provide her a job under Die-in-harness Scheme, as she was fully dependant on her deceased husband and also fully covered by the Die-in-harness Scheme, as in force in the State of Tripura.

2. Heard Mr. D.C. Roy, learned counsel appearing for the petitioner as well as Ms. R. Guha, learned State Counsel.

3. Brief facts as required to be discussed, are as follows:

That the petitioner is the wife of Gobinda Debnath who was a Rifleman under 2nd Bn. TSR and her husband deceased Gobinda Debnath met an accident while he was in service and expired on 12.12.2013 at AGMC & GBP hospital, Agartala. The petitioner being the wife of the aforesaid deceased employee filed a petition seeking a job under Die-in-harness Scheme to the Commandant (respondent No. 3) who forwarded the said petition for enquiry requesting the Sub Divisional Officer, Khowai for ascertaining the income of the petitioner. The respondent No. 3 also issued a letter to the Director of Tripura Board of Secondary Education for verification of the certificate of the petitioner relating to Madhyamik examination. As the petitioner had a minor son namely Manik Debnath and at present not in a position to maintain herself and also covered by the Die-in-harness Scheme of the State government preferred the instant writ petition with a prayer for relief,

as stated supra.

4. The respondents Government did not file any counter though so many opportunities were provided to them.

5. There is no doubt that a job under Die-in-harness Scheme is not a matter of right. But at the same time when according to the petitioner she being covered under Die-in-harness Scheme had made representation, it is the duty of the respondent authority to consider the said representation and if the petitioner is fully covered by the scheme, she should be provided the benefit of the said scheme. More so, when the State respondent did not file any affidavit in opposition denying the claim of the petitioner, it would be proper for this Court to direct the petitioner to file a fresh application to the Director General of Police (respondent No. 2) stating all her grievances and the Director General of Police shall examine the same within a period of 3 (three) months from the date of filing of the said application. If the petitioner is covered by the Die-in-harness Scheme, as in force then she should be provided a job under the said scheme. Ordered accordingly.

6. With the aforesaid order, the instant writ petition is disposed of. No order as to costs.