

(2026) 01 TP CK 1820
In the Tripura High Court
Case No : Writ Petition (C) No. 119 Of 2025

Manju Sarma Bhattacharjee

APPELLANT

Vs

State Of Tripura & Ors

RESPONDENT

Date of Decision : 12-01-2026

Acts Referred:

Citation : (2026) 01 TP CK 1820

Hon'ble Judges : S. Datta Purkayastha, J

Bench : Single Bench

Advocate : Purusuttam Roy Barman, Samarjit Bhattacharjee, Dipjyoti Paul,
Bidyut Majumder, Mangal Debbarma

Final Decision : Disposed Of

Judgement

S. Datta Purkayastha, J

[1] Heard Mr. Purusuttam Roy Barman, learned senior counsel appearing for the petitioner, Mr. Mangal Debbarma, learned Addl. G.A. appearing for the State-respondents and Mr. Bidyut Majumder, learned Deputy S.G.I. appearing for the respondent-Union of India.

[2] The petitioner was engaged as Anganwadi Worker vide Memorandum dated 10.01.1985 (Annexure-1 to the writ petition). Thereafter, vide notification dated 02.06.2023 (Annexure-2 to the writ petition) she was promoted to the post of Supervisor (ICDS) (Group-C, Non-Gazetted) on ad hoc basis subject to final outcome of S.L.P. (C) No.19765-19767 of 2015 pending before the Hon'ble Supreme Court and she went on retirement on 30.11.2023.

[3] Thereafter, the petitioner submitted a representation on 31.05.2024, to the Director of Social Welfare and Social Education claiming gratuity and other pensionary benefits but according to the petitioner, said representation was not responded to her. Thereafter, she filed WP(C) No.457 of 2024 and a coordinate Bench of this Court disposed of the said petition on 10.07.2024 with the following directions:

"[6] In view of such circumstances, without expressing any opinion on the merits of the case, this writ petition is disposed of, directing the respondents to consider the representation dated 31.05.2024 made by the petitioner within a period of 03(three) months from the date of receipt of the copy of this order. However, it is always open for the petitioner to place any such document in support of her claim before the respondents along with the Judgment and Order dated 24.01.2017 passed in WP (C) No. 71 of 2011, and in analogous matter and also in Judgment and Order dated 23.02.2017 passed in WP(C) No. 514 of 2014 passed by this Court and on receipt of the same the respondents shall consider the matter in accordance with law.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending is any, shall stand closed."

[4] The petitioner accordingly communicated copy of the said judgment to the respondents and vide order dated 13.08.2024 (Annexure-11 to the writ petition) the claim of the petitioner for post-retiral benefits including pension was rejected.

[5] Then the petitioner filed Cont.Cas(C) No.103 of 2024, which was ultimately closed giving liberty to the petitioner to avail the remedy under law. Therefore, the present writ petition has been filed.

[6] In the counter affidavit, it is stated by the State-respondents that as a Supervisor, ICDS, the petitioner did not complete the required qualifying service of 10 years and therefore, she was not entitled to get pension and moreover, her promotion was ad hoc promotion, based on the promotional policy, issued by the State Govt., dated 22.06.2021, and as such, she is not entitled to get gratuity or other pensionary benefits.

[7] Learned senior counsel, Mr. Roy Barman submits that already it was decided by this Court in another case earlier that in such a matter 50% of the period of service rendered as Anganwadi Worker shall be taken into account and therefore, the present petitioner is entitled to get all the pensionary benefits. Learned senior counsel therefore prays for passing necessary direction to the respondents in this regard.

[8] Learned Addl. G.A., Mr. Mangal Debbarma appearing for the State-respondents, submits that only for about one year the petitioner served as a Supervisor, ICDS Project and her service rendered as Anganwadi Worker, cannot be taken into account and thus, she is not entitled to get any pensionary benefits, gratuity and leave salary.

[9] Considered the submissions of learned counsel of both sides. It appears that earlier some of the Anganwadi Workers who were promoted to the post of Supervisor, ICDS had approached this Court having similar grievance that they were not provided with the benefit of pension and other post-retiral benefits and this Court vide judgment dated 24.01.2017, decided the matter in Case

No.WP(C) 71 of 2011 titled as Smt. Sandhya Banik & Ors. vs. The State of Tripura & Ors. along with another writ petition. The said case was disposed of with a direction that the State-respondents would have to process the cases of the petitioners for pensionary benefits after taking into account 50% of their services rendered as Anganwadi Workers, and thereafter to pay the pensionary benefits to them accordingly.

[10] Learned senior counsel, Mr. Roy Barman also submits that said judgment was not challenged by the State, rather, they had complied with the same.

[11] Learned senior counsel, Mr. Roy Barman has also placed one notification dated 1st December, 2025, issued by the G.A. (P&T) Department, Govt. of Tripura, whereby it was decided by the State that all promotions allowed as per the promotional policy of 2021 shall be treated as regular promotion with effect from the ad hoc promotion for the purpose of extending all service and retiral benefits as per respective extant rules. The relevant portion of the policy decision of the State Govt. is extracted here-in-below:

"Whereas, the Promotion Policy, 2021 has been carefully examined by the Government and after due consideration, it has been decided to modify the said Policy as follows: -

i) All promotions allowed as per the Promotion Policy, 2021 shall be treated as regular promotion with effect from the date of ad-hoc promotion for the purpose of extending all service and retiral benefits as per respective extant rules. Also, the benefits of fixation / protection of pay, allowances, etc. after such treatment, shall be provided to an employee entitled otherwise, subject to the outcome of SLP No. 19765-19767 of 2015 pending before the Hon'ble Apex Court.

ii) All pensionary benefits, including leave encashment, shall also be extended to employees on the last pay of the post from which they have retired / will retire from service on superannuation or otherwise, after availing ad-hoc promotion subject to the outcome of the SLP No. 19765-19767 of 2015 pending before the Hon'ble Apex Court. Also, if any employee dies after availing ad-hoc promotion as per the Promotion Policy, 2021, his/her legal heirs shall also be entitled to pensionary benefits, including leave encashment etc. as permissible, subject to the outcome of SLP No. 19765-19767 of 2015 pending before the Hon'ble Apex Court.

All Departments and Heads of Departments are therefore, requested to take action accordingly."

[12] In view of above position, the issue raised by the respondents cannot be taken into consideration as the matter of addition of 50% past service of the petitioner as Anganwadi Worker has already been decided by this Court in the above said earlier decision, and that has reached the finality and has become binding on the State.

[13] As it appears, already the Govt. has extended the benefit of regular

promotion to all the promotees who were promoted on ad hoc basis as per promotional policy of 2021, and it has been directed by the State to all the departments to extend all promotional benefits, including leave encashment to the retired employees or to their legal representatives where those employees are dead meanwhile. Therefore, the issue raised by the respondents that the promotion of the petitioner was an ad hoc promotion, cannot be accepted.

[14] In view of above, the writ petition is allowed. The State-respondent Nos. 1 to 5 are directed to consider the case of the present petitioner in the light of the decision of this Court rendered in the case of Smt. Sandhya Banik (*supra*), and also the notification issued by the State Govt. on 1st December, 2025 as extracted above, and to take necessary steps for release of post-retiral benefits to the petitioner as per her entitlement in accordance with rules. The entire exercise will be completed within three months from receipt of a copy of this order.

[15] With the above observations and directions, the writ petition stands disposed of. Pending application(s), if any, shall also stand disposed of.