
(2023) 01 TP CK 0015
In the Tripura High Court
Case No : Writ Petition (C) 981 Of 2022

Pampa Debnath

APPELLANT

Vs

State Of Tripura And 3 Others

RESPONDENT

Date of Decision : 09-01-2023

Acts Referred:

Constitution Of India, 1949 — Article 14

Citation : (2023) 01 TP CK 0015

Hon'ble Judges : Arindam Lodh, J

Bench : Single Bench

Advocate : P. Roy Barman, S. Bhattacharjee, M. Debbarma

Final Decision : Disposed Of

Judgement

Arindam Lodh, J

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. HK Bhowmik, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Additional GA appearing for the respondents-State.

By way of filing the instant writ petition, the petitioner has prayed for compassionate appointment under die-in-harness scheme.

Brief facts are that, the father of the petitioner was a government employee working as Panchayat Secretary, who died on 13.11.2014. After his death, the petitioner had submitted an application for compassionate appointment to the respondents- authority concerned in the year 2015 i.e. within a year, as per the scheme. Her application was rejected in the year 2017 for the reason that a married daughter does not come within the purview of die-in-harness scheme framed by the Government of Tripura.

In the year 2022, a Division Bench of this Court had passed a judgment that the scheme is ultra vires to the Constitution and is violative of Article 14 of Constitution of India since married daughter was excluded from the purview of

the scheme, and held that a married daughter is entitled to compassionate appointment. Thereafter, the petitioner filed the instant writ petition claiming compassionate appointment. In the meantime, the State government i.e. respondent no. 1 has come out with the scheme under which circumstances a married daughter should be provided with a government job under die-in-harness scheme.

In the earlier scheme dated 02.03.2019, there was no provision for providing compassionate appointment to the married daughter. After the judgment of this Court, the Government of Tripura has included and brought the married daughter within the ambit of the scheme and made provision for compassionate appointment to the married daughter. The said amendment was carried out under notification dated 06.07.2022.

It is stated in the said notification dated 06.07.2022 that in the event of consideration of married daughter for the purpose of job under the scheme, the income of her husband will be taken into consideration to determine her eligibility. Moreover, if the husband or son of the married daughter of the deceased employee is employed in service, such married daughter shall not come under the purview of this scheme.

I have considered the submissions advanced by learned counsel appearing for the petitioner as well as the object of the scheme, as mentioned in the notification dated 06.07.2022.

In view of this, I direct the respondents to make a fresh inquiry whether the petitioner is eligible for compassionate appointment as per the scheme under notification dated 06.07.2022. Such inquiry shall be completed within a period of 30 days from today. Thereafter, necessary information shall be provided to the petitioner. If the respondents find that the petitioner is eligible for government job under the scheme dated 06.07.2022, she shall be provided with suitable job commensurate to her qualification.

With the aforesaid observations and direction, the instant writ petition stands disposed.