

(2023) 01 TP CK 0012
In the Tripura High Court
Case No : Writ Petition (C) 204 Of 2021

Samir Kumar Ghosh

APPELLANT

Vs

State Of Tripura And 3 Others

RESPONDENT

Date of Decision : 09-01-2023

Acts Referred:

Citation : (2023) 01 TP CK 0012

Hon'ble Judges : Arindam Lodh, J

Bench : Single Bench

Advocate : P. Roy Barman, S. Bhattacharjee, A. Bhaumik, D. Sarma

Final Decision : Allowed

Judgement

Arindam Lodh, J

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Additional GA appearing for the respondents-State and Mr. A. Bhaumik, learned counsel appearing for the respondents-Agartala Municipal Corporation (for short "AMC").

The grievance of the petitioner is that in pursuance of a judgment passed by a Division Bench of this Court, he was paid gratuity to the ceiling limit of Rs. 10 lakh in terms of The Payment of Gratuity Act, 1972. On computation, the respondents-AMC paid him Rs. 7,18,608/-, but, the petitioner has filed the present writ petition raising his grievance that his entire length of service has not been considered in quantifying his gratuity.

Learned senior counsel appearing for the petitioner has submitted that the petitioner had rendered 40 years of service with the AMC. He joined his service on 01.01.1976 and retired on 31.12.2015. According to the petitioner, he is entitled to gratuity amount of Rs. 10 lakh, if his total length of service i.e. 40 years is calculated for determining the total amount of gratuity.

Mr. Bhaumik, learned counsel appearing for the respondents-AMC has submitted that according to State government Revised Pension Rules, the petitioner is not entitled to get gratuity under the provision of the Payment of Gratuity Act, 1972. His death-cum-retirement gratuity shall be considered in terms of Tripura State Civil Services (Revised Pension) Rules, 2009.

It is now well settled that the employees of the Corporation or any other local bodies are entitled to and guided by ceiling limit as prescribed under the Payment of Gratuity Act, 1972. The State government Rules shall not be applicable to the employees of such Corporation and local bodies . Moreso, in earlier round of litigations, it was clearly held by a Division Bench of this court that the petitioner's gratuity will be governed by Payment of Gratuity Act, 1972 and in compliance of that judgment and order, the petitioner was paid gratuity considering the ceiling limit of Rs. 10 lakh since he retired from service in the year 2015.

In the light of above, I direct the respondents-AMC to recalculate the gratuity amount, the petitioner is entitled to after considering his total length of service i.e. 40 years under the Corporation. The remaining gratuity amount, if any, according to his entitlement, shall be paid within a period of 3 (three) months from today.

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