HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.120 of 2026

1. **Moushumi Das (Age-40 years),**
   Wife of late Prasenjit Das,
   Resident of Harimara, near Nebajiban Sangha,
   P.O. S. D. Mission,
   P.S. A. D. Nagar, Agartala,
   District: West Tripura, PIN:799 003
2. **Eshika Das (Age-21 years),**
   Daughter of late Prasenjit Das,
   Resident of Harimara, near Nebajiban Sangha,
   P.O. S. D. Mission,
   P.S. A. D. Nagar, Agartala,
   District: West Tripura, PIN:799 003

----Petitioner (s)

Versus

1. **The State of Tripura,**
   To be represented by the Secretary,
   Department of Home,
   New Secretariat Building,
   New Capital Complex, Kunjaban,
   Agartala, West Tripura, PIN:799 010
2. **The Secretary,**
   Home Department,
   Government of Tripura,
   New Secretariat Building,
   New Capital Complex, Kunjaban,
   Agartala, West Tripura, PIN:799 010
3. **The Director,**
   Fire & Emergency Services,
   Government of Tripura,
   Headquarters Fire Brigade Chowmuhani,
   Agartala, West Tripura, PIN:799 001
4. **The Divisional Fire Officer,**
   Fire & Emergency Services, Government of Tripura,
   Unakoti Division, Kailashahar, PIN:799 27

---- Respondents (s)

For Petitioner(s)	: Mr. Purusuttam Roy Barman, Sr. Adv. Ms. Sangita Ruhi Das, Adv.
For Respondent(s)	: Mr. Pradyumna Gautam, Sr. G.A.
Date of Hearing	: 12.08.2026
Date of delivery of Judgment and Order	: 20.08.2026
Whether fit for Reporting	: YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This writ petition is filed by the petitioners seeking following reliefs:

> **(i) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued, thereby directing the Respondents to provide the benefit of Compassionate Appointment under the Die-in-Harness Scheme to the Petitioner No.2, being the daughter of Late Prasenjit Das, who died in harness on 20.12.2024 while serving in the post of Leading Fireman under the Fire & Emergency Services Department, Government of Tripura.**
> **(ii) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued, thereby directing the Respondents to sanction and release family pension, and to make full and final payment of all post-death benefits, after adjusting the amounts already paid, along with applicable interest, to the Petitioner No.1, being the wife of Late Prasenjit Das, who died in harness on 20.12.2024 while serving in the post of Leading Fireman under the Fire & Emergency Services Department, Government of Tripura.**
> **(iii) Make the rules absolute.**
> **(iv)Call for records.**
> **(v) Pass any further order/orders as this Hon'ble High Court considered fit and proper.**

02. Heard Learned Senior Counsel Mr. P. Roy Barman assisted by Ms. S. Ruhi Das, Learned Counsel appearing for the petitioners and also heard Learned Sr. G.A. Mr. P. Gautam appearing on behalf of the respondents.

03. It is the case of the petitioners that the predecessor of the petitioners Prasenjit Das while serving in the post of leading Fireman under the Fire & Emergency Services Department, Government of Tripura died in harness on 20.12.2024. After his death the petitioner No.2, Eshika Das, daughter of the deceased applied for compassionate appointment and the other family members furnished their No Objection. At the time of death Prasenjit

Das was posted in the office of the Divisional Fire Officer, Unakoti Division, Kailashahar and was aged about 43 years. It was further submitted that the deceased died leaving behind the petitioners and his mother Suniti Das as his legal heirs and after that survival certificate was issued by the Sub-Divisional Magistrate, Sadar.

04. The petitioner No.1 submitted one representation on 17.03.2025 seeking appointment on compassionate ground in respect of petitioner No.2 who was eligible for compassionate appointment under the Scheme submitted an application in prescribed format but in spite of submission of the required documents no action has been taken. It was also submitted that the petitioner No.1 is entitled to family pension under CCS (Pension) Rules, 1972 and other applicable service rule. On 02.05.2025 a demand notice was issued by the Branch Manager, Tripura State Co-operative Bank Ltd. alleging that the deceased had an outstanding loan liability of Rs.7,00,000/-. According to Learned Senior Counsel the respondents have allegedly withheld the family pension and compassionate appointment on the ground of such outstanding loan liability.

05. Learned Senior Counsel further submitted that family pension is a statutory right and welfare scheme accruing under the applicable service rules and not a discretionary payment under CCS(Pension) Rules, 1972. Lastly on 28.01.2026 another representation was submitted

but no action has been taken. It was also submitted that a sum of Rs.65,250/- was credited to the savings bank account of the petitioner No.1 lying with Punjab National Bank on 08.04.2025 and on the same date a further sum of Rs.7,34,063/- was credited to the savings bank account of the petitioner No.1 by the respondents but no break-up was given. So the petitioners by filing the writ petition urged for the reliefs as stated above.

06. The State-respondents have contested the writ petition by filing counter-affidavit. In para-5, 7, 8, 11, 12 and 13 it was asserted by the State-respondents as under:

> **"5. That, with regard to the averments made in paragraphs 1, 2, 3, 4, 5, and 6 of the Petition, the Respondent Nos. 3 & 4 admit that the Petitioner Nos. 1 and 2 are the wife and daughter of Late Prasenjit Das, respectively. It is further admitted that Late Prasenjit Das served as a Leading Fireman in the Fire & Emergency Services Department, Government of Tripura, and expired at the age of 43 years on 20.12.2024 at AGMC & GBP Hospital, Agartala, as evidenced by the death certificate dated 07.01.2025 issued by the Registrar (Birth & Death), AGMC & GBP Hospital, Department of Health Services, Government of Tripura.**
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> **7. That, in respect of the contention made in paragraph No. 12, 13 & 14, the Respondent No. 3 & 4, admit that, the Petitioner No. 2 is eligible for employment under the Die-In-Harness scheme as per Notification Vide No. 1(1)-GA(P&T)/18, dated 02.03.2019. It is also a fact that Petitioner No.2, submitted a representation dated 17.03.2025, along with relevant documents, seeking a compassionate appointment under the Die-In-Harness scheme.**
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> **8. That, the statements made in paragraph No. 15 are denied and disputed by the Respondent Nos. 3 & 4. It is incorrect to state that no decision has been taken by the Respondent Nos. 3 & 4. In fact, the Respondent No. 3 had duly forwarded a proposal for providing a Government job in favour of Smti. Eshika Das, daughter of Late Prasenjit Das, Ex-LFM, under the Die-in-Harness Scheme vide letter No. 4-9(die-in-harness)/DFES/2025 dated 07.07.2025. Subsequently, the Under Secretary, Home (Fire & Emergency Services) Department, Government of Tripura, vide letter No.**

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F.5(6)-PD/2025/3151 dated 21.10.2025, informed that the matter had been referred to the Finance Department. Further, the Finance Department, vide U.O. No. 750/Fin (Estt-III)/2025 dated 09.10.2025, opined as follows:

> **"As there is presently no vacancy in the Department, the Department is requested to forward the proposal as and when a vacancy arises for providing employment under the Die-in-Harness Scheme. In the event no vacancy arises within a period of one year, the Department may forward the proposal for sponsoring the candidate in a suitable Department."**

Copies of the proposal for compassionate appointment, the communication from the Under Secretary, and the opinion of the Finance Department are annexed herewith and marked as Annexure-1. The petitioner's allegations against this office are baseless, unfounded, and contrary to the official record. Such statements grossly misrepresent the actions taken by this office and are liable to create a misleading and adverse impression regarding the functioning of the Department.

11. That, the averments, as made in the paragraph No. 17, are also denied and disputed by the Respondent No. 3 & 4. It is not a fact that till date, no family pension or other post-death benefits have been disbursed in favour of the Petitioner No-1.The Petitioner no. 1, has received Rs. 9,15,053/- (Rupees nine lakh fifteen thousand fifty three) in total which includes, Rs. 54,483/- as Special compensatory allowance, Rs. 7,34,063/- as Gratuity, Rs. 29,507/-as GPF final payment, Rs.10000/- as link insurance scheme and Rs. 87,000/- as provisional pension during the period of 21.12.2024 to 20.04.2025.

12. That, the averments, as made in the paragraph No. 18, are not known to the Respondent No- 3 & 4. The real fact is that, the Respondent No- 4, received a notice vide No. dated 18.03.2025, for restitution of outstanding long dues of loan account No. 52109/1000411 pertaining to Lt. Prasenjit Das and requested the Respondent No-4, to release the entire outstanding amount.

13. That, the averments made in paragraph No. 19 to 27 of the Petition are partly true and partly denied. It is specifically denied that the Respondent Nos. 3 & 4 have withheld compassionate appointment on the grounds of outstanding loan liability. In this regard, it is submitted that the proposal for compassionate appointment has already been processed and referred to the competent authorities, as detailed in Annexure-1. It is, however, a matter of record that the Respondent Nos. 3 & 4 have temporarily withheld the payment of leave salary and Group Insurance Scheme (GIS) benefits. This action has been taken in view of the fact that the Petitioner No. 1 had submitted a written undertaking to clear the outstanding dues amounting to approximately Rs.10,75,287/- payable to the concerned banks and financial institutions immediately upon receipt of the financial benefits.

However, after receiving part of the post-death benefits, the Petitioner No.1 failed to honour the said undertaking and did not make any payment towards the outstanding dues. Due to such non-compliance, the Department has been subjected to repeated communications and pressure from the concerned banks/financial institutions. In these circumstances, the withholding of leave salary and GIS benefits is purely temporary and administrative in nature, pending resolution of the outstanding liabilities.

A Copy of a letter regarding a proposal for providing a job in favour of Smt. Eshika Das, Daughter of Lt. Prasenjit Das, Ex LFM under the die-in-harness scheme dated- 07-07-2025, is enclosed herewith and marked as Annexure-1

"1. A student can pursue two full time academic programmes in physical mode provided that in such cases, class timings for one programme do not overlap with the class timings of the other programme."

5.These guidelines shall come into effect from the date of their notification by the UGC. No retrospective benefit can be claimed by the students who have already done two academic programmes simultaneously prior to the notification of these guidelines."

07. However, at the time of hearing Learned Sr. G.A. drawn the attention of the Court relying upon Annexure-1 and submitted that by a communication dated 07.07.2025 the Director, Fire and Emergency Services forwarded proposal to the Deputy Secretary, Government of Tripura Home (Fire & Emergency Services) Department for providing Government job and after that the Under Secretary by a letter dated 21.10.2025 informed the Director, Fire and Emergency Services wherein it was requested to take appropriate action. It was further submitted by Learned Sr. G.A. that all the financial benefits have been released but as there is no existing vacancy so the compassionate appointment could not be made by the Government. But it would be done shortly.

08. Countering the submission made by Learned Sr. G.A. Learned Senior Counsel further submitted that employment should be given as per the scheme of the Government dated 02.03.2019. As per the scheme the petitioner No.2 submitted representation to the Government within time. But that has not been considered till date. But he fairly admitted that certain financial benefits have been released in favour of the petitioners. But family pension which is a statutory right of the petitioners have not yet been released on the ground that the deceased took some loan. But on the ground of taking loan by the deceased there is no scope on the part of the respondents to withhold the family pension of the petitioners as per eligibility. It was further submitted that in para 3.6 of the said scheme dated 02.03.2019 [Annexure-3] it has been clearly mentioned that if there is non-availability of the vacancy in the department then the candidate may be considered for posting in other department with the concurrence of the Finance Department. For the sake of convenience, let us reproduce herein below the relevant clause of the said scheme which is as follows:

> **"3.6 Explanation:-**
> **i. If the candidate belongs to support category-(3) does not get employment in the parent Department of the affected Government Servant within one year from the date of occurrence due to non-availability of vacancy in that Department, then the candidate may be considered for posting in other Departments with the concurrence of the Finance Department."**

09. I have heard both the sides at length. Perused the writ petition and the documents annexed with the writ

petition as well as the counter-affidavit submitted by the State-respondents. It is the admitted position that deceased Prasenjit Das was serving under Fire & Emergency Services, Government of Tripura and while in service on 20.12.2024 he expired leaving behind the petitioners and his mother as his legal heirs and at the time of death he was aged about 43 years. However, after his death the petitioners submitted representation and petitioner No.2 applied for compassionate appointment. From the record further it transpires that the respondents have taken initiative for providing employment to the petitioner No.2 as per scheme of the Government. But till date the same has not been considered. Rather from the communication dated 21.10.2025 of the Deputy Secretary to the Government of Tripura to Director, Fire & Emergency Services Department it appears that no vacancies available to the Department so the Department has suggested to resend the proposal to sponsor the candidate in a suitable department. From Clause-9 of the said scheme further it appears that the appointment be made within a period of one year from the death of the deceased. Here the petitioners have already submitted representation but due to non-availability of posts it appears that they have failed to provide job to the petitioner No.2 in respect of her representation on 17.03.2025. Thus it appears that the respondents have failed to provide the compassionate appointment as per the Rule framed by them within the stipulated period. Further it

also appears that certain financial benefits have already been released in favour of the petitioners, but family pension has not yet been released on the ground that there was some outstanding liability. It is made clear that for outstanding liability of the deceased there is no scope as per law to withhold the family pension of the petitioners. Thus it appears that there was some misconception on the part of the respondents department to release the same benefits in favour of the petitioners. Since suitable post is not lying vacant in the respective department the department may consider the engagement/appointment of the petitioner No.2 to any other suitable department of the Government as per the guidelines of the State as the respondents have not denied the eligibility of the petitioner No.2 for appointment.

10. In the result, the writ petition filed by the petitioners is allowed. The respondents are asked to release the family pension in favour of the petitioners as per eligibility within a period of four months from the date of passing of this judgment with a further direction to the respondents to provide compassionate appointment in favour of petitioner No.2 within the said period.

With this observation, this writ petition stands disposed of accordingly.

Pending application, if any, stands disposed of.

MOUMITA DATTA

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JUDGE

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