

THE TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN : AGARTALA
PIN- 799006

COMPLAINT NO.57 OF 2022

Sri Kalyanbrata Bhattacharjee,
S/O. Late Bhabatosh Bhattacharjee,
R/o. 'Kailash Dham', Joynagar,
A.K. Road, P.O. Agartala,
District-West Tripura,

..... PETITIONER.

Vs.

1. Tripura State Electricity Corporation Ltd.,
Agartala, Tripura.
2. The Power Department, Government of Tripura,
represented by the Secretary, Power
Department, Govt. of Tripura,
Agartala, Tripura.

..... RESPONDENTS.

FINAL ORDER

Dated – 13.12.2023

The petitioner, Sri Kalyanbrata Bhattacharjee, while working in the post of Assistant Engineer Ad-hoc (Electrical) in the Tripura State Electricity Corporation Ltd. (for short 'TSECL') retired from service on superannuation on 30.07.2022, since 31.07.2022 was a holiday, under an Office Order dated 30.07.2022, issued by the Deputy General Manager, Electrical Division No.-II, TSECL, Bardowali, Agartala. The petitioner submitted his pension proposal with all relevant papers to his authority on 30.07.2022 itself and there is no dispute about it. He set the law in motion by filing a complaint before the Commission alleging that the Department was sitting over the pension proposal without any action for



months' together and provisional pension was also not given even after he made a prayer on 12.09.2022. He filed the complaint before the Commission on 23.12.2022 for violation of his right to livelihood as guaranteed by the Constitution. The Commission having jurisdiction took cognizance on the complaint and issued notice to the respondent, the General Manager, TSECL, Agartala.

2. On 08.02.2023 the General Manager (Tech.), TSECL submitted response in writing *inter alia* stating that the petitioner was an employee of the Power Department, Government of Tripura and since 01.01.2005 he was deputed to TSECL and while working on deputation under TSECL he retired on 30.07.2022 from the post of Assistant Engineer Ad-hoc (Electrical). The petitioner was not willing to take provisional pension initially, but after some days he made request for provisional pension and it was sanctioned to him. In the reply it is stated that provisional pension was sanctioned on 07.01.2023 and was paid to him on 21.01.2023. The gratuity and leave salary were sanctioned on 20.08.2022 and paid in the following month. Final GPF withdrawal, Group Insurance etc. were also paid to him.

3. The response of the General Manager, TSECL was communicated to the petitioner and the petitioner appeared before the Commission on 20.03.2023 and submitted before the Commission that provisional pension was given to him w.e.f. 21.01.2023, but his pension proposal, which was submitted on 30.07.2022, was not processed by the



TSECL even after his repeated reminders. He has also submitted that there was an inordinate delay in sending his final pension proposal.

4. Since the petitioner was an employee of the Power Department and was on deputation under TSECL, the Secretary, Power Department, Government of Tripura was also made a party and on receipt of the notice from the Commission, the Additional Secretary, Power Department, submitted response dated 12.05.2023, wherein it was *inter alia* stated that the petitioner was working in the post of TPES Grade-IV, Assistant Engineer (Electrical), under the Corporation and that he was an employee of the Power Department, Government of Tripura. It is stated that as per records of the Electrical Division No.-II, the proposal for pensionary benefits was forwarded to the Office of the Executive Engineer, GPF and Pension of the Power Department, Government of Tripura on 10.08.2022 and it was noted that the petitioner was not willing to take provisional pension. It is further stated that the Executive Engineer, GPF and Pension sanctioned other pensionary benefits including the provisional pension and that there was delay because of a Court Case bearing No. W.P.(C) 488 of 2019 and related Contempt Case(C) No.48 of 2022. His final pension was allowed by the Accountant General, Tripura on 03.03.2023.

5. The admitted positions are:-

- (i) The petitioner was originally an employee of the Power Department, Government of Tripura;



(ii) In the year 2005 the petitioner was deputed to TSECL and was holding the post of Assistant Engineer Ad-hoc under TSECL;

(iii) The petitioner was due to retire on superannuation w.e.f. 31.07.2022, which was a Sunday and therefore, TSECL issued Office Order dated 30.07.2022 and released him from Government service on superannuation;

(iv) He has submitted his entire pension proposal with all relevant papers on 30.07.2022 itself to his authority;

(v) He did not initially make any request for provisional pension;

(vi) Since final pension was not settled immediately after his superannuation, on 12.09.2022 he submitted prayer for provisional pension;

(vii) Provisional pension was sanctioned on 07.01.2023 and paid to him on 21.01.2023; and

(viii) Accountant General, Tripura sanctioned his final pension on 03.03.2023.

6. It is an admitted position that there was an inordinate delay in processing the pension proposal of the petitioner by the TSECL where he was working as well as by the administrative department, i.e. Power Department. A pension is not a bonanza. It is the price given to a retired employee, who has rendered services to the department throughout his service period. It is the source of livelihood of each and every retired

employee. We are in a welfare State and it is the State's policy to give pension to its retired employees for the rest of the life, which is a price of the services rendered by him to the Government while on employment. It is to be understood by the people in service that everybody shall retire on superannuation. It is most painful that those who are in service are reluctant of the need of elderly employees, who went on superannuation. Normally, the group insurance, leave salary, gratuity etc. etc. are paid to a retired employee on the date of his superannuation or within a few days of such superannuation. In case, there is a delay in settling the final pension, provisional pension should be paid. It is an admitted position that the petitioner initially did not approach for provisional pension. He thought that his pension proposal, being an employee, without blemish, will be settled soon, but when it was not processed he made prayer on 12.09.2022 for provisional pension and the provisional pension was sanctioned on 07.01.2023 and paid on 21.01.2023. This is an unfortunate state of affairs. It was supposed to be understood by his fellow employees about the pain of a superannuated man. He has painfully approached the Commission that even his representations were not replied and nobody had a word with him as to why there was a delay in processing his final pension proposal.

7. The respondents in their written reply stated that there was a Court case and a contempt case for which there was delay in finalization of pension. No paper is produced to show that there was any stay order



or that the petitioner was a party in that case or that there was any other impediment in processing the pension proposal.

8. In course of hearing of the matter, we have examined Mr. Sishir Debbarma, DGM(Corporate) and recorded his statement, wherein he has made clear statement that the pension proposal submitted by the petitioner on 30.07.2022 was sent to Power Department on 25.11.2022 and record does not reveal anything as to why there was such delay. It is, therefore, amply clear that the respondent-TSECL as well as the Power Department acted lackadaisically in processing the pension proposal of the petitioner and could not at all understand the pain of a pensioner.

9. We have heard the petitioner in person at length and he has also submitted a written submission.

We have also heard learned counsel, Mr. N. Majumder for the respondent and considered the written submission submitted by Mr. Sishir Debbarma, DGM(Corporate).

10. Learned counsel, Mr. Majumder has made a strenuous argument stating that there was no mala fide intention of anybody in the department in processing pension proposal. It was because of the court case for which there was some delay. He has also stated that all other pensionary benefits such as gratuity, leave salary, group insurance, GPF final withdrawal etc. were paid to the petitioner in the following month or soon thereafter. Provisional pension was not processed since the petitioner did not approach initially. The provisional pension was granted



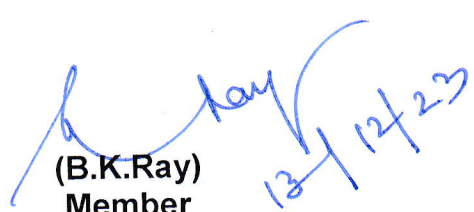
on 07.01.2023 and paid on 21.01.2023. He has submitted that there was some delay, but it was not abnormal and that there was no mala fide in the process.

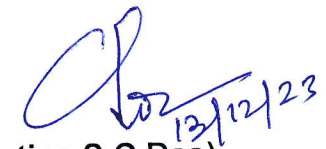
11. We have already noted hereinbefore that the petitioner was shocked when his representations were not responded and nobody even approached him as to why there was such delay in sanctioning his pension. In his written response dated 13.04.2023 he has made an elaborate submission. The petitioner retired from service w.e.f. 31.07.2022. Pension proposal was submitted on 30.07.2022 since 31.07.2022 was holiday. Accountant General finally sanctioned pension on 03.03.2023 and it is clear that after seven months the petitioner got final pension. There is nothing on record to show that the petitioner was with fault or his service record was faulty for which delay was caused. Even he made prayer for provisional pension on 12.09.2022, but it was paid to him only on 21.01.2023. Such inaction on the part of the TSECL and ultimately of the Power Department is deplorable. There was no reason for them to sit over the pension proposal of the petitioner. Since the petitioner was an officer of the Power Department working under TSECL, they would at least invite him to say sorry or to express their regret. They did not fix responsibility on any of their employees for whose fault the pension proposal was pending since long. We could understand the pain and grievance of the petitioner against his own department where he spent his life as an employee.



12. Considering all aspects, we feel it appropriate to recommend that the General Manager, TSECL and the Power Department, Government of Tripura shall jointly and severally convey regret in writing to the petitioner for not processing and finalizing his pension in time and such regret in writing should be communicated within one month from the date of receipt of this recommendation. In case of failure to convey such regret, the General Manager, TSECL as well as Power Department shall jointly and severally liable to pay a compensation of Rs.50,000/-(Rupees fifty thousand) to the petitioner within 90(ninety) days from the date of receipt of the recommendation.

13. Send a copy of the final decision of the Commission to the petitioner, the General Manager, TSECL, the Secretary, Power Department and the Chief Secretary, Government of Tripura in terms of Section 18 of the Protection of Human Rights Act, 1993.


(B.K.Ray)
Member


(Justice S.C.Das)
Chairperson