

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.175 of 2026

1. Babul Malakar, S/o. Lt. Girendra Ch. Malakar, R/o: Barjala, TRTC Road, Ward No.3, Agartala, Tripura.

2. Manjushree Das Malakar, W/o: Babul Malakar, R/o: Barjala, TRTC Road, Ward No.3, Agartala, Tripura.

(The Petitioner No.2 has been appointed as a Limited Guardian of the Petitioner No.1 as per the Order, dated, 12.07.2024, passed by the L'D District Judge in Civil Misc(G/C) 26 of 2023)

.....Petitioner(s).

V e r s u s

1. The State of Tripura to be represented by the Secretary, Finance Department, Govt. of Tripura, Secretariat Building, New Secretariat Complex, Kunjaban, Agartala, Tripura, Pin: 799010.

2. The Director, Department of Audit, O/o the Directorate of Audit, Govt. of Tripura, P.N Complex, Gorkhabasti, West Tripura, Pin: 799010.

3. The Principal Accountant General (A&E), Tripura, Kunjaban, Agartala, West Tripura, Pin: 799006.

4. The Senior Accounts Officer, O/o the Principal Accountant General (A&E) Tripura, Kunjaban, Agartala, West Tripura.

.....Respondent(s).

For Petitioner (s) : Mr. Purusuttam Roy Barman, Senior Advocate.
Ms. Aradhita Debbarma, Advocate.

For Respondent(s) : Mr. Pradyumna Gautam, Senior G.A.
Mr. Agniva Chakrabarti, Advocate.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Order

19/03/2026

Heard learned counsel of both sides.

[2] Mr. Pradyumna Gautam, learned senior G.A. appears and accepts notice for respondent Nos.1 & 2 as well as Mr. Agniva Chakrabarti, learned counsel appears and accepts notice for respondent Nos.3 & 4.

[3] With consent of both the sides the matter is disposed of at this motion stage.

[4] The petition has been filed by the petitioner No.2 as legal guardian of petitioner No.1, who is stated to be suffering from a mental disability to the extent of 70% due to Schizophrenia. On 16.06.2021 (Annexure-1 to the writ petition), the District Disability Board, West Tripura, issued a disability certificate certifying 70% disability of permanent nature in favour of petitioner No.1, and the diagnosis was Schizophrenia (mental illness). The father of the petitioner, Lt. Girendra Ch. Malakar, was an employee of the Department of Audit, Govt. of Tripura, and during his lifetime he was receiving pension. Necessary PPO (Annexure-3 to the writ petition) was duly issued in his favour. Said Girindra Malakar died on 01.11.2015, and his wife, Milan Malakar earlier died on 01.09.2015. Thereafter, petitioner No.2, on behalf of petitioner No.1, submitted an application before respondent Nos.3 & 4 for granting family pension in favour of petitioner No.1.

[5] The Senior Accounts Officer, in turn, sent a letter to the Chairman [Chief Medical Officer (West)], District Disability Board, on 07.05.2025 (Annexure-7 to the writ petition), mentioning that since the certificate was issued 4 years back, a fresh medical examination of the petitioner No.1 was required, and accordingly a request was made to issue a fresh certificate, if required, after such examination. On 16.05.2025, from the Office of District Disability Rehabilitation Centre (DDRC), West Tripura a communication was sent to the Senior Accounts Officer stating that the disability certificate of Babul Malakar (petitioner No.1) dated 16.06.2021, was verified on the basis of data base of DDRC(W) and found that the above mentioned certificate was genuine. At the cause of repetition it is mentioned herein that in the said disability certificate as was issued by District Disability Board on 16.06.2021, it was specifically mentioned that petitioner No.1 was suffering from disability of permanent nature. Anyway, thereafter, again the Senior Accounts Officer sent another letter on 07.07.2025 to the petitioner No.1 directing him to attend the State Level Appellate Board, AGMC & GBP Hospital, Agartala on 10.07.2025.

[6] The State Level Appellate Board then on 10.09.2025 issued another certificate certifying 70% mental disability in favour of the petitioner No.1 mentioning that his condition was likely to be improved and they further recommended fresh assessment after five years.

[7] Then the petitioner sent a legal notice to respondent Nos.3 & 4 on 18.01.2026 requesting them to release the family pension in favour of petitioner No.1, and in reply thereto, the Senior Accounts Officer on 17.02.2026 sent another letter to the Chairman, State Level Appellate Board to submit the report/certificate in respect of petitioner No.1, giving reference to their previous letter dated 07.07.2025. Similar reply was also given to the learned advocate of the petitioners who issued the legal notice on behalf of the petitioners with a request to update them about their previous correspondence dated 07.07.2025 sent to the petitioner No.1. In reply there against, the petitioner No.2 sent the disability certificate issued by State Level Appellate Board on 10.09.2025, to them.

[8] According to the learned counsel of the petitioners, thereafter, no response was received from the Office of Senior Accountant General and again another reminder letter was also sent on 23.02.2026 (Annexure-15 to the writ petition), on behalf of the petitioners but no response received. Now, being compelled thereby, the present writ petition has been filed.

[9] Ms. Aradhita Debbarma, learned counsel submits that after submission of said disability certificate issued by State Level Appellate Board on 17.02.2026 the matter is still pending. As it appears, it is a matter concerning family pension of a disabled person touching his livelihood, and therefore, matter is required to be expedited by the Office of Accountant General.

[10] Mr. Chakrabarti, learned counsel representing respondent Nos.3 & 4 submits that matter may be disposed of with a direction to the respondent Nos.3 & 4, to dispose of the matter in a time bound manner.

[11] Mr. Pradyumna Gautam, learned senior G.A. submits that State is a formal party in this matter and the State has no role to play in this regard.

[12] This Court has considered the submissions of both sides. As it appears, the matter relates to the claim of family pension on behalf of a mentally challenged person, and therefore, the matter is required to be disposed of with all sensitivity and urgency. Considering thus, the writ

petition is disposed of with a direction to respondent Nos.3 & 4 to dispose of the claim of the petitioners regarding family pension as per procedure, keeping in mind the relevant provisions of the related rules and law, within 4(four) weeks of receipt of copy of this order. Prima facie, it appears that all the relevant documents, as asked from the office of respondent Nos.3 & 4 are already submitted by the petitioners.

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

JUDGE

