HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.69 OF 2023

Sri Ramapati Chakraborty
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. K. Debnath, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mrs. N.C. Saha, Advocate.

17.03.2023

Order

The brief fact of this case is that the petitioner was appointed in the post of Cameraman on contractual basis for a period of 1(one) year. The Addl. Director, State Council of Education Research and Training issued a Note dated 07.02.2018 *inter alia* noting enhancement of salary of the contractual employees, working under the Edusat network since, April 2007. The Director, SCERT issued a Note-27, *inter alia* noting the enhancement of remuneration of one Sri Kalayan Kishore Saha insofar as the then Additional Chief Secretary(Education) has referred to him as "*Kalyan is Outstanding*" considering his efficiency & positive attitude, and as such, the remuneration of said Sri Kalyan Kishore Saha may

be enhanced at par with the remuneration of other Coordinators of Samagra Shiksha. Being prejudiced, the petitioner along with others submitted a representation to the Director, SCERT dated 19.10.2020, *inter alia* praying for enhancement of monthly remuneration of contractual staffs of Edusat Network of Tripura, inasmuch as among the 6 Nos. Edusat Staff, in par with the monthly remuneration of Sri Kalyan Kishore Saha. But the same evoked no response. Thereafter, vide Note No.57 dated 20.07.2022, the respondents initiated a proposal to enhance the monthly remuneration of the petitioner, from Rs.23,711/- to Rs.27,711/-. By Note No.61 dated 15.09.2022, the respondents consciously decided to grant the said enhanced monthly remuneration of Rs.27,711/-, in favour of the petitioner, with effect from 01.09.2022. The petitioner was neither accorded the said enhanced monthly remuneration, with effect from 01.04.2020, nor an arrear on account thereof was paid to him. Only with effect from 01.09.2022, the petitioner was granted the enhanced monthly remuneration of Rs.27,711/-.

Hence with petitioner has filed this present writ petition praying for the following reliefs:-

" i) Issue Rule, calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transit the records appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Note No.61 & the Memorandum dated 21.09.2022(Annexure-10 & 11 respectively supra), insofar as the same negated the grant of benefit of higher pay to the petitioner, with retrospective effect from 01.07.2020, along with accumulated arrears thereof;

ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them to forthwith revoke/rescind the impugned Note No.61 & the Memorandum dated 21.09.2022(Annexure-10 & 11 respectively supra), insofar as the same negates the grant of benefit of higher pay of Rs.53,800/- to the petitioner, with retrospective effect from 01.07.2020, along with accumulated arrears thereof, and thereupon, for directing/mandating them, to grant the enhanced monthly remuneration of Rs.27,711/-, in favour of the petitioner, with effect from the date (01.07.2020) from when the monthly remuneration of Sri Kalayan Kishore Saha, Technical Assistant was enhanced, alongwith arrears thereof;

iii. Call for the records appertaining to this petition;

iv. After hearing the parties, be pleased to make the Rule Absolute in terms of i. & ii. above.

v. Costs of any incidental to this wit proceeding;

vi. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

Heard Mr. K. Debnath, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned counsel assisted by Mrs. N.C. Saha, learned counsel appearing for the respondents.

Heard both sides and perused the evidence on records. Impugned memorandum dated 21.09.2022 is set aside and without expressing any opinion on the merits, the matter is remanded back to respondents No.4 and 5 to consider the case of the petitioner in its entirety and to pass a speaking order with regard to extending the benefits to the petitioner herein on par with the said employee i.e. pro-forma

respondent herein which the petitioner has referred expressing that the respondents have acted in the manner of discrimination. Respondents are directed to consider the case of the petitioner within a period of 2(two) months from the date of receipt of the copy of this order. The petitioner is also at liberty to file any such documents in support of his claims before the respondents if so advised.

With the above observation and direction, this instant writ petition stands disposed of. Stay if any stands vacated, pending application(s), if any also stands closed.

CHIEF JUSTICE (ACTING)

suhanjit

HIGH COURT OF TRIPURA
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