

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.70 of 2021

For Petitioner(s) : Mr. S. Dey, Advocate.
For Respondent(s) : Mr. K. C. Bhattacharjee, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

20/03/2023

Heard Mr. S. Dey, learned counsel appearing for the petitioner.
Also heard Mr. K. C. Bhattacharjee, learned counsel appearing for the respondents.

The petitioner has prayed for the following reliefs:

- i. Issue notice upon the respondents.
- ii. Call for the records.
- iii. Issue rule calling upon the respondents show cause as to why a direction shall not be issued mandating the respondents to pay the salaries/allowances for the higher duties and responsibilities discharged by the petitioner since 1985 to 05.10.2013 as Heavy/Light motor Vehicle Driver.
- iv. Issue rule calling upon the respondents to show cause as to why the higher financial benefit/entitlement of the petitioner over and above Rs.95,000/- sanctioned by the respondents vide memo dated 24.02.2021 shall not be released calculating the entire period from 17.06.1985 to 05.10.2013 and further as to why the said financial entitlement of the petitioner shall not be calculated by taking into account the pay scale for the post of Heavy Motor Vehicle driver for the period for which the petitioner performed the duty as HMV driver.
- v. And after hearing the parties be pleased to make the rule absolute."

The case of the petitioner is that to direct the respondents to pay the financial benefits for the higher duties and responsibilities discharged by the petitioner as Heavy and Light Motor vehicle driver since 1985. The petitioner was appointed as Cleaner under Tripura Road Transport Corporation since 1985 but w.e.f. 17.06.1985 to 04.01.2013, the petitioner was made to perform the duties and responsibilities of driving heavy as well as light motor vehicle driver under the respondents and all through the petitioner discharged unblemished service to the satisfaction of all seniors and the public in general.

Thus, the petitioner was entitled to all the benefits for the higher duties and responsibilities discharged as heavy and light motor vehicle driver w.e.f. 17.06.1985 to 04.01.2013. The petitioner further states that the petitioner is entitled to receive the financial benefits as arrears for performing the higher duties and responsibilities discharged as heavy and light motor vehicle driver since 1985 and on 13.02.2020, the petitioner submitted representation before the Managing Director, Tripura Road Transport Corporation, Agartala for granting him the benefits of the arrears which the petitioner was entitled for discharging the higher duties and responsibilities as heavy and light motor vehicle driver w.e.f. February, 17.06.1985 to 04.01.2013, but the said representation dated 13.02.2020 fell into deaf ears of the respondents and the petitioner was deprived of the benefits of the arrears for performing the higher duties.

Learned counsel appearing for the respondents has submitted that as per records, the petitioner is entitled for Rs.95,000/- and accordingly by proceeding dated 24.02.2021, the amount i.e. Rs.95,000/- has been calculated and paid to the petitioner and he is not entitled for the present claim. The present claim made by the petitioner is frivolous which is not supported by any evidence and is not entitled.

As such, without expressing any opinion on merits, the present petition is disposed of giving liberty to the petitioner to approach before the concerned authority by making a detailed claim statement and on receipt of the same, the respondents shall consider this issue in accordance with law within a period of three months from the date of receipt of such claim statement.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)