

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.101 of 2023

1. Shri Dhananjoy Bhattacharjee (49 years), S/O late Dayamoy Bhattacharjee, permanent R/O Thakurmura, P.O. & P.S. Sonamura, Sepahijala Tripura.
2. Sri Amal Krishna Debbarma (46 years), S/O Amrit Lal Debbarma, permanent R/O Madhya Banamalipur, Agartala, West Tripura, Pin-799001.

..... Petitioner(s)

V E R S U S

1. State of Tripura represented by the Principal Secretary to the Government of Tripura, Finance Department, New Capital Complex, P.O.-Kunjaban, Agartala, West Tripura.
2. The State of Tripura represented by the Principal Secretary to the Government of Tripura, Home (Jail) Department, New Capital Complex, P.O.-Kunjaban, Agartala, West Tripura.
3. The Inspector General of Prisons, Tripura, Prisons Directorate, P.O.-Dhaleswar, Agartala, West Tripura.

.....Respondent(s)

For Petitioner(s) : Ms. R. Purkayastha, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharya, G.A.,
Mr. Soumyadeep Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

_O_R_D_E_R_

17/05/2023

Heard learned counsel for the parties.

Petitioners, who are Deputy Jailors, have preferred the writ petition for up-gradation/revision in the pay scale of the post of Deputy Jailor with effect from 01.04.2015 i.e. the date when the petitioners have been promoted and thereby recalculate the salary in the upgraded pay scale with retrospective effect along with consequential benefits and also

asked for a mandamus upon the respondents to promote them to the post of Jailor with immediate effect.

At the outset, it needs to be observed that pursuant to judgment rendered by this Court in WP(C) No.612 of 2017 dated 06.12.2018 and as upheld in WA No.14 of 2020 dated 04.07.2022, the Department has come out with a notification dated 17.01.2023 (Annexure-C) whereby the pay scale of Sub-Jailor, Home (Jail) Department is equated with that of Sub-Inspector, Home (Police) Department and Jailor, Home (Jail) Department with that of Inspector, Home (Police) Department along with all ancillary benefits.

This Court, however, finds that the pleadings in support of the first prayer for upgradation/revision in the pay scale of the petitioners who are Deputy Jailors with effect from 01.04.2015 are not sufficient to make out a case of arbitrariness or discrimination in matters of fixation of pay scale of the Deputy Jailor. So far as the other plea is concerned, the respondents have in their counter affidavit at Paragraph-10 categorically stated that the DPC held on 13.01.2023 under the Chairmanship of Secretary, Urban Development Department has already recommended the names of both the petitioners as suitable for promotion to the post of Jailor (Annexure-R/5). Since the post of Jailor is Group-B Gazetted and as per Recruitment Rules it is essential to refer the proposal for concurrence of the TPSC, all relevant papers were being prepared for

submission to the TPSC. However, due to enforcement of Model Code of Conduct for Assembly Election, 2023 the process of promotion was withheld till 4th March, 2023.

Learned counsel for the State submits that the proposals must have been sent to the TPSC after the elections are over and the Model Code of Conduct has been withdrawn. Therefore, the grievances of the petitioners so far as the claim of promotion is concerned, are being addressed and subject to concurrence of the TPSC, the notification for promotion would be issued within a reasonable time if there are no other legal impediments.

Having regard to the aforesaid stand of the respondents, the writ petition is disposed of with the observation that the recommendation for promotion to the post of Jailor in favour of the petitioners if concurred by the TPSC be duly notified within a period of 2(two) months if there are no other legal impediments. Petitioners are left with liberty to raise the issue of upgradation of pay scale of Deputy Jailors in a fresh proceeding with foundational facts and material particulars, if so advised.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ