

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.108 of 2023**

For Petitioner(s)	:	Mr. A. Bhowmik, Adv. Mr. S. Dey, Adv.
For Respondent(s)	:	Mr. D. Bhattacharya, G.A. Mr. S. Saha, Adv.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

24.02.2023

Heard Mr. A. Pal, learned counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. G.A. appearing for the respondents.

2. By means of this writ petition, the petitioner has sought for directing the respondents to grant one increment in favour of the petitioner for the B.Ed training undergone by the petitioner prior to entry into the service as per Rule 13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioner has further seek for a Writ of Certiorari for setting aside the memorandum dated 6th July, 2011 issued by Finance Department, Government of Tripura whereby a decision has been taken to provide lump sum benefit as training incentive in lieu of increment as provided under Rule 13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioner has further raised demand regarding violation of Rule 13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009.

3. The petitioner was appointed as Post Graduate Teacher in Mathematics subject under the respondent Department vide memorandum

dated 30.03.2007. Thereafter, on completion of five years of service, the petitioner was extended with the benefit of regular pay scale vide memorandum dated 14.09.2012 w.e.f. 01.08.2012. The petitioner has also stated that the petitioner has completed B.Ed. from Tripura University on 04.03.2005 and as such, while entering into service as Post Graduate Teacher, the petitioner had acquired the B.Ed. Degree and was therefore a trained teacher.

4. The Finance Department, Government of Tripura issued a memorandum on 6th July, 2011 whereby it was provided that the fixed pay employees do not come under the purview of revision of pay rules and therefore, the teachers who have completed the B.Ed Degree prior to entry into service are entitled to lump sum benefit and not the increment as provided under the rules. The said memorandum dated 6th July, 2011 is contrary to the rules of 2009 as Rule 13(1)(ii) of the Rules of 2009 clearly provides that a teacher entering into the service with B.Ed./UGBT training are entitled to one increment. Similar issue had already been decided by this Hon'ble High Court in WP(C)No.703 of 2019 vide judgment and order dated 19th March, 2021. The petitioner was deprived of the benefit of one increment as per Rule 13(1)(ii) of TSCS(Revised Pay) Rules, 2009 and therefore, the petitioner has no other alternative but to file this writ petition.

5. Having heard both sides, this court without expressing any opinion on merits directed the respondent No.2, The Director of Secondary Education, Government of Tripura, Agartala to consider the case of the

petitioner within a period of three months from the date of receipt of a copy of this order.

In terms of the above, the present writ petition is disposed of.

CHIEF JUSTICE (ACTING)

