

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.146 OF 2022**

Priyanki Das and 29 ors.

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent (s)**

For the Petitioner(s) : Mr. A. Bhaumik, Advocate.
Mr. S. Dey, Advocate.

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

Date of hearing and delivery of
Judgment & Order : 22.08.2023.

Whether fit for reporting : YES/NO

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Article 226
of the Constitution of India seeking the following reliefs:-

"i. Issue notice upon the respondents.

ii. Call for the records.

iii. Issue Rule calling upon the Respondents to Show Cause as to why the petitioners shall not be granted the benefit of MACP-I from the pay of completion of 10 years of continuous and satisfactory service counting w.e.f. 26.08.2010 along with all arrears of financial service.

AND

Issue Rule calling upon the Respondents to show cause as to why the petitioners shall not be granted the benefit of two annual increments of the year 2016 & 2017 which were illegally deducted from the date of the petitioners at the time of pay fixation of the petitioners after Sangita Reang's Judgment.

AND

Issue Rule calling upon the respondents to show cause as to why the Respondents shall not be mandated to pay Rs.5 lakhs to the petitioners as litigation cost for unnecessary dragging the petitioners into litigation.

iv. And after hearing the parties be pleased to make the Rule absolute.

AND/OR.

Pass any other order/orders as deemed fit and proper."

2. Heard Mr. A. Bhaumik, learned counsel assisted by Mr. S. Dey, learned counsel appearing for the petitioners as well as Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

3. Mr. A. Bhaumik, learned counsel appearing for the petitioners has prayed for granting of MACP benefit to the petitioners from the date of completion of 10 years of service counting w.e.f. 26.08.2010 along with all arrears of financial benefit. The learned counsel further prayed for a direction to grant the petitioners 2(two) annual increments of the year 2016 and 2017 which were deducted from the petitioners at the time of pay fixation after the Judgment dated 29.01.2020 passed by this Court in **WP(C) No.295 of 2019** and other batch of matters titled as **Sangita Reang and others versus State of Tripura and ors.**

4. On the other hand, Mr. D. Bhattacharjee, learned G.A. appearing for the State-respondents submits that if representation is to be filed by the petitioners before the respondents, the same is to be filed individually for proper adjudication of the individual case.

5. Heard both sides and perused the evidence on record.

6. This present writ petition is disposed of with a direction upon the petitioners to file their respective representations and claims highlighting their entitlement under the Rules claiming their status under the MACP-I. On receipt of such individual representations, the respondents shall consider the same in accordance with law and

examine whether the petitioners have completed the 10(ten) years of service as contemplated under the Rules. It is needless to observe that if there is no ambiguity in the Rules, the said decision can be taken without reference to the decision of this Court passed in ***Sangita Reang(supra)*** and another decision of this Court dated **25.03.2022** passed in ***WP(C) No.171 of 2022*** titled as ***Sri Souradip Saha and 17 ors. Vs. The State of Tripura and 3 ors.*** The respondents shall apply their minds independently and accordingly take a decision within a period of 2(two) months from the date of receipt of such representations from the petitioners. The said decision be communicated to the petitioners by the respondents.

In the event, if the petitioners are aggrieved by any decision, it amounts to a fresh cause of action and the petitioners are at liberty to avail remedies under the law. Accordingly, the impugned memorandum dated 24.12.2021 which is under challenge is set aside and the matter is remanded back to the respondents for fresh consideration in the light of the representations made by the petitioners.

7. With the above observation and directions, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s) if any also stands closed.

JUDGE

suhanjit

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