

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WA. No.24 of 2020

Connected with

WA. No.25 of 2020

For Appellant(s) : Mr. S. Lodh, Advocate.
Mr. Samar Das, Advocate.
For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH

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15/03/2023

Heard Mr. S. Lodh, learned counsel assisted by Mr. S. Das, learned counsel appearing for the appellants. Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

[2] In WA. No.24 of 2020, the appellant has prayed for the following reliefs:

- i. Issue notice.
- ii. Admit the petition of the petitioner.
- iii. Call for the records relating to the subject matter of the writ petition.
- iv. After hearing the parties be pleased to direct the respondents and each of them to give effect of the representation dated 21.12.2018.

AND

- v. Also direct the respondents and each of them to provide automatic up-gradation for junior Engineer Grade-II to Junior Engineer Grade-I on completion of 4 years as per advertisement dated 16.11.2001 and in contrast with the Recruitment Rules with all pay benefits from 03.06.2007 in the scale of Junior Engineer Grade-I, Rural Department, Government of Tripura with interest following pay fixation.”

[3] In WA. No.25 of 2020, the appellant has prayed for the following reliefs:

- i. Admit the writ petition.
- ii. Call for the records.

iii. And after hearing the parties be pleased to set aside the judgment and order dated 04.12.2019 passed in WP(C) No.1231/2019 and pass such other order/orders as the Hon'ble Court may deem fit and proper for the ends of justice."

[4] Brief facts of these appeals are that the appellants entered into the service in the year 2003 in the post of Jr. Engineer, Grade-II pursuant to the Tripura Public Service Commission vide advertisement No.10/2001. At the time of entry in the service Jr. Engineer grade-II will move to Jr. Engineer Grade-I after completion of 4 years of service which was also reflected in the notification. On completion of 4 years of service of the appellants made representation praying that they have completed 4 years of service on 03.06.2007.

[5] As the introduction of 15th amendment of revision of pay Rule-1999, the said qualification has been substituted by 8 years of service which was later on substituted by 4 years also. Some officers Jr. Engineer Grade-II got that promotion/movement/up-gradation at the intervention of the judgment of this Court dated 17.07.2013 passed in WP(C) No.17 of 2008.

[6] The appellants made representation to the respondent during the year 2018-2019 for their promotion with retrospective benefits as the appellants has been promoted to Jr. Engineer Grade-I on 15.06.2011. The appellants thereafter made representation for conserving these aspects which has been denied by the respondents, which is ex-facie illegal for which filed writ petition. The learned Single Judge after hearing the parties dismissed the writ petition on the ground that the petition is barred by limitation. Hence, the present appeals have been filed by the appellants.

[7] This Court, *prima facie* expresses its view that with regard to the appellants instead of approaching before the respondents seeking the benefit of their promotion in view of the period fixation between 4 years and 8 years and again reconsidering 4 years, they have lost the opportunity of benefit of promotion at par with others and pleads that their case should also be

considered. Since, no *mala fide* has been attributed pointing out that to deprive the right of the appellants, the respondents have adopted the said change in policy of 4 years to 8 years and again 4 years.

[8] However, having concerned to the appellants, this Court directing the appellants to approach before the appropriate authority by making a representation and on receipt of the same, the respondent authority shall consider the case of the appellants with a pragmatic view more particularly, in the light of maintaining equality.

[9] In the result, the present appeals stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

CHIEF JUSTICE (ACTING)

A. Ghosh



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