

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.147 of 2023

For Petitioner(s) : Mr. K. Chakraborty, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

17/03/2023

Heard Mr. K. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioner has prayed for the following reliefs:

- i. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to revoke/rescind the impugned order dated 29.10.2002 (Annexure-6 supra).
- ii. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to restore the benefit of CAS-II, in the next higher pay scale of Rs.6,500-12,300/-, with effect from 16.08.2000 (i.e. on completion of total 17 years of service), in terms of Rule-10 of the Tripura State Civil Services (Revised Pay) Rules, 1999, in favour of the petitioner.
- iii. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to grant the benefit of ACP-III, in the next higher pay scale of Rs.9,570-30,000/- along with Grade Pay of Rs.3,500/- with effect from 16.08.2008 (i.e. on completion of total 25 years of service), in terms of Rule-10 of the Tripura State Civil Services (Revised Pay) Rules, 2009 in favour of the petitioner.
- iv. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to grant one advance increment, which become payable to the petitioner on 15.02.1994, consequent upon his acquiring of higher qualification of Master in Physical Education (MPE), in terms of Clause-(G) (i) of the Finance Department's office memorandum dated 07.12.1992 (Annexure-4 supra).
- v. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to grant all the consequential benefits in connection with the aforesaid reliefs, including arrears thereof.
- vi. Call for the records, appertaining to this writ petition.

- vii. After hearing the parties, be pleased to make the rule absolute in terms of (i) to (v) above.
- viii. Costs of and incidental to this proceeding.”

The case of the petitioner is that on 16.08.1983, the petitioner joined to the post of Physical Instructor, Grade-I, under the Education Department, Government of Tripura and was subsequently associated with the Directorate of Youth Affairs and Sports. On completion of 10 years of service, the petitioner was accorded with the benefit of 1st scale up-gradation w.e.f. 16.08.1993. The petitioner was entitled to one advance increment on 15.02.1994, pursuant to acquiring of higher qualification, but he was deprived thereof.

On completion of total 17 years of service, the petitioner was accorded with the benefit of CAS-III was withdrawn by the respondents and recovery was made, and the pay scale of the petitioner was downgraded. On completion of total 24 years of service the petitioner was entitled to get the benefit of ACP-III (w.e.f. 16.08.2008), but the same was not granted to him. On 31.01.2021, the petitioner proceeded to retirement. Thereafter, the petitioner submitted a representation dated 14.11.2022, urging the respondents to grant the said service benefits, but the same did not fetch any response.

Hence, the present petition has been filed by the petitioner herein before this Court for redress.

In view of above, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider the representation dated 14.11.2022 filed by the petitioners in accordance with law within a period of three months from the date of receipt of the copy of this order.

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

CHIEF JUSTICE (ACTING)