

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.148 of 2023

For Petitioner(s) : Mr. A. Bhowmik, Advocate.

Mr. S. Dey, 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. A. Bhowmik, learned counsel and Mr. S. Dey, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioners have prayed for 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 petitioner Nos.3, 4, 5, 6 and 8 shall not be given the benefit of one increment as per Rule-13(1) (ii) of the Tripura States Civil Services (Revised Pay) Rules, 2009 along with arrears of financial benefit.

AND

iv. Issue rule calling upon the respondents to show cause as to why the petitioner Nos.1, 2 and 7 shall not be given the benefit of one increment as per Rule-13(1)(v) of the Tripura States Civil Services (Revised Pay) Rules, 2009 along with arrears of financial benefit.

AND

v. Issue rule calling upon the respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

vi. Issue rule calling upon the respondents to show cause as to why the petitioner Nos.3, 4, 5, 6 and 8 shall not be granted all financial benefits as per the judgment and order dated 19th March, 2021 passed in WP(C) No.703 of 2019 by this Hon'ble High Court as upheld by the Ld. Division Bench in W.A. No.207 of 2021.

AND

vii. Issue rule calling upon the respondents to show cause as to why the petitioners No.1, 2 and 7 shall not be granted all benefits in terms of the judgment and order dated 19.01.2022 passed in WP(C) No.602/2021 as upheld by the Ld. Division Bench vide judgment and order dated 06.12.2022 passed in W.A. No. 309/2022 and other batch matters.

viii. And after hearing the parties, be pleased to make the rule absolute.”

The petitioners approach before this Court by filing this writ petition under Article-226 of the Constitution of India seeking a writ of mandamus directing the respondents to grant one increment in favour of the petitioner Nos.3, 4, 5, 6 and 8 for B.Ed. training undergone by the petitioners prior to entry into the service as per Rule-13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 and to grant the petitioner Nos.1, 2 and 7 and advance increment as per Rule-13(1)(v) of the Tripura State Civil Services (Revised Pay) Rules, 2009 [hereinafter referred to as the Rules, 2009] having completed B.Ed. upon entry into service prior to 01.01.2009 upon entry into service.

The petitioners further seek a writ of certiorari for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura whereby a decision has been taken to provide lumpsum benefit to the petitioners in lieu of increment under Rule-13(1) (ii) and Rule-13(1) (v) of the Tripura State Civil Services (Revised Pay) Rules, 2009 on the ground that the petitioners were on fixed pay for a period of 5 years after entry into service.

The petitioners further raise grievance regarding violation of Rule-13(1)(ii) and Rule-13(1)(v) of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioner No.1 entered into service as Post Graduate Teacher in Bengali subject vide memorandum dated 30th March, 2007. After entry into service the petitioner No.1 was on fixed pay for a period of 5 years and thereafter, on completion of 5 years of service regular pay scale was extended to the petitioner No.1 vide memorandum dated 10.10.2012.

The petitioner No.1 at the time of entry into service was pursuing B.Ed. degree and after entry into service the petitioner No.1 completed her

B.Ed. on 20.09.2007. After entry into service the petitioner No.2 was on fixed pay for a period of 5 years and thereafter on completion of 5 years of service regular pay scale was extended to the petitioner No.2 vide memorandum dated 05.07.2012. The petitioner No.2 at the time of entry into service was pursuing B.Ed. degree and after entry into service the petitioner No.2 completed her B.Ed. on 20.09.2007. The petitioner No.3 is serving as Post Graduate Teacher in Physics Subject and the petitioner No.3 completed her B.Ed. on 24.11.2005 i.e. the date of publication of result. Thereafter, the petitioner No.3 received the offer of appointment as Post Graduate Teacher in Physics Subject on 09.10.2007 and accordingly, joined in service pursuant to the offer of appointment.

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

It reveals from the fact of the case that the case of the petitioners is covered by a decision of this Court passed in W.A. No.207 of 2021 and W.A.No.309 of 2022 and the respondents need to consider their case. Mr. D. Sarma, learned Addl. G.A. appearing for the respondents has submitted before this Court that the petitioners have not approached before the respondent-authorities and the respondents do not know with regard to their grievance and reliefs. It has been further submitted that once the petitioners approach before the respondents, they would definitely consider the same in accordance with law.

In view of above, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider case of the petitioners once the petitioners submit their representation along with all relevant documents before the respondent-authority within a period of three months thereafter.

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

CHIEF JUSTICE (ACTING)