

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.193 of 2022

Sri Tarendra Reang

Son of Sri Ramani Reang, resident of Village- Sarbadhan Reang Para, Baikhora, PO- Betaga, PS- Baikhora, Sub-Division- Belonia, District- South Tripura, Pin-799144.

....Petitioner(s)

Versus

1. The State of Tripura

Represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO-Kunjaban, PS- New Capital Complex, Sub-Division- Agartala, District- West Tripura.

2. The Commissioner & Secretary to the Department of Education

Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Agartala, District- West Tripura

3. The Commissioner & Secretary to the Department of Finance,

Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Agartala, District- West Tripura.

4. The Director of School Education,

Education Department, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, PO- Agartala, PS- West Agartala, Sub-Division- Agartala, District- West Tripura.

....Respondent(s)

For the Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Mrs. Riya Chakraborty, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.
Date of hearing and Delivery of Judgment & Order	:	19/07/2023
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

JUDGMENT & ORDER (ORAL)

Heard Mr. Somik Deb, learned senior counsel assisted by Mrs. Riya Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

2. This is a case where the petitioner was first appointed as Wireless Operator (Stipendary) under Department of Tripura Police in the year 2009. He was given regular pay scale with effect from 12.08.2010 prescribed for the post of Wireless Operator (Stipendary). During the continuation of service as Wireless Operator (Stipendary), the petitioner has obtained the no-objection certificate from the competent authority of the Police Department for appearing in the selection process for the post of Post-Graduate Teacher under the Education Department. The petitioner was selected for the said post and joined as Post-Graduate Teacher in the year 2017.

2.1. By means of filing the instant writ petition, the petitioner has prayed for counting his past service which he has rendered as Wireless Operator (Stipendary) under the Police Department and also for granting benefit of MACP-I on the ground that he had completed 10(ten) years of service without promotion both in the posts of Wireless Operator (Stipendary) and Post-Graduate Teacher.

3. Mrs. Riya Chakraborty, learned counsel for the petitioner has placed before me a copy of the judgment and order passed by a Coordinate Bench of this Court in *WP(C) No.260 of 2022* titled as *Smt. Sangita Reang and ors. Vs. The State of Tripura and Ors.* wherein the respondents were directed to consider the request of the petitioner for grant of MACP-I.

4. I have considered the submissions of learned counsel appearing for the parties and also have perused the said judgment and order passed in *Smt. Sangita Reang Ors. (supra)*.

5. Granting of MACP-I has been introduced in the ROP Rules, 2017. MACP is a special benefit given to an employee in contingency when a Government employee has not been promoted to the higher post for a period of 10 years continuously.

6. In the instant case, the petitioner has served as Wireless Operator (Stipendary) under the Department of Police, till his appointment as Post-Graduate Teacher in the year 2017. MACP is granted to an employee who holds the same post without promotion for a period of 10(ten) years. In the

case in hand, the petitioner was not holding the same post without promotion for a period of 10(ten) years. Before completion of 10(ten) years of his service as Wireless Operator (Stipendary), the petitioner has changed the nature of his appointment and he has been appointed as Post-Graduate Teacher in the year 2017. The petitioner has not completed 10(ten) years of continuous service as Wireless Operator (Stipendary) without promotion under the Department of Police. For the aforesaid reasons, the petitioner is not entitled to MACP-I as provided under ROP Rules, 2017.

7. The judgment relied upon by the learned counsel for the petitioner in *Sangita Reang(supra)* has not considered this aspect since the ROP Rules, 2017 was not brought by the learned counsel. As such, this is a judgment *per incuriam* and it may not be treated as a precedent. Further, in *Sangita Reang(supra)*, the Coordinate Bench of this court had only made a request to the respondents to consider her case for granting MACP and virtually no direction was passed.

8. For the reasons stated and discussed here-in-above, the petitioner is not entitled to get MACP as he has claimed in the writ petition. Accordingly, the instant writ petition stands dismissed.

JUDGE