

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.170 of 2023

Korak Baran Chowdhury, IAS (Retd.)

.....Petitioner

V_E_R_S_U_S

The State of Tripura

.....Respondents

For Petitioner(s)	:	Petitioner in person.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

02/05/2023

Heard.

This petition has been filed under Article-226 of the Constitution of India in the nature of certiorari declaring the order dated 11.04.2022 issued by the Finance Department, Government of Tripura bad in law. Further, to grant the petitioner one notional increment for his full one year service w.e.f. 01.07.2018 to 30.06.2019 for the purpose of pensionary benefits and get his pensionary benefits revised.

The petitioner has prayed for the following reliefs:

- a. Admit this writ petition.
- b. Call for the records.
- c. Issue writ in the nature of certiorari calling upon the respondents to show cause as to why the order vide No. F.25(21)-FIN(G)/2021 dated 11.04.2022 of the Finance Department, Government of Tripura should not be set aside and quashed.
- c. Issue writ in the nature of mandamus directing the respondents to grant the petitioner one notional increment for the period from 01.07.2018 to 30.06.2019 and accordingly re-fix his pension and other pensionary benefits and pay the arrears along with admissible interest thereupon."

The case of the petitioner is that the petitioner, a member of the Tripura Civil Service retired from service on superannuation as Additional Secretary to the Government of Tripura on 30.06.2019. He received his last annual increment on 01.07.2018 but he was not given annual increment for his completed service of one year from 01.07.2018 to 30.06.2019. The petitioner represented for release of his annual increment due on 01.07.2019 but, the concerned authority has denied releasing the same.

Being aggrieved, the petitioner moved this Court by way of filing this petition. This Court vide its judgment and order dated 13.12.2021 directed the State Government in the Finance Department to take up an exercise to examine the matter and give their decision taking all relevant considerations. In compliance, the Finance Department issued an order on 11.04.2022 rejecting the claim of the petitioner. The petitioner is dissatisfied with the order of the Finance department as it has been passed arbitrarily without taking all aspects of the matter into consideration.

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

During the course of argument, the petitioner in person has placed reliance upon the judgment of this Court and contended that on the basis of the said judgment he is entitled for the service benefits as prayed for in the present writ petition. Mr. D. Bhattacharjee, learned G.A. appearing for the respondents has sought for time to file counter in this respect.

Without expressing any opinion on merits and having heard the learned counsel appearing for the parties, at this juncture, this Court feels that ends of justice would be met if the writ petition is disposed of giving liberty to the petitioner to approach before the concerned respondent representing his claim along with all material documents including the judgments of the High Court to re-consider the same by the respondent in the light of the change in circumstances within a period of two months from the date of receipt of the

copy of such representation from the petitioner. Accordingly, the same is ordered.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

