

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.246 OF 2022**

Shri Pradip Debnath

..... Petitioner(s)

Vs.

The State of Tripura and ors.

..... Respondent(s)

For the Petitioner(s) : Mr. Raju Datta, Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI
Mr. K. Dey Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 02.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present application has been filed under Article 226
of the Constitution of India seeking the following reliefs:-

"Issue Rule upon the Respondents to show cause as to why the respondents should not transmit all records relating to the cause of the petitioner.

AND

As to why a writ in the nature of certiorari should not be issued for quashing the letter No.F.6(74)/PWD(E)/09(S) dated 07.05.2013 issued the Public Works Department, Government of Tripura disentitling the petitioner from the grant of 3rd ACP on completion of 25 years of service in the pay scale of Rs.5000-8700/- with grade pay of Rs.2400/-.

AND

As to why a writ in the nature of Mandamus should not be issued directing the State respondents to grant the 3rd ACP to the petitioner on completion of 25 years of service w.e.f. 21.09.2012 in the pay scale of Rs.5,000-8,700/- with grade pay of Rs.2,400/- with consequential reliefs including arrears.

AND

As to why such other order/orders should not be passed so as to give full relief to the petitioner and upon causes shown to make the Rule absolute."

2. Heard Mr. R. Datta, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the union-respondent, and Mr. K. De, Addl. G.A. appearing for the State-respondents.

3. Mr. R. Datta, learned counsel appearing for the petitioner contended that the other similarly placed employees have been extended the benefits of accelerated ACP. In view of the respective writ petition filed by the similarly situated persons, said benefits were extended to them in pursuance of the order passed by this Court in their favour. Since the petitioner is also similarly placed, he pleads discrimination against him.

4. It is seen from the record that aggrieved by the proceeding dated 07.05.2013; the present writ petition has been filed. Laches of 10(ten) years have not been explained by the petitioner in the present writ petition. Further, there is no impugned order and the changes in circumstances have not been indicated. Hence it is a case of dismissal and mandamus cannot be issued. However, having consideration to the case of the petitioner wherein he pleaded point of discrimination, on par

with other employees, this Court, without expressing any opinion on the merits is extending the consideration of granting liberty to the petitioner to approach the respondents by way of filing a representation and ventilate his grievances. On the receipt of same, the respondents shall consider the same in accordance with law within a period of 3(three) months from the date of receipt of the copy of such representation.

5. With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

