

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C) NO.260 OF 2022**

**Smt. Sangita Reang and ors.**

**..... Appellant(s)**

Vs.

**The State of Tripura and ors.**

**..... Respondent(s)**

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For the Appellant(s) : Mr. Somik Deb, Sr. Advocate.  
Mr. K. Debnath, Advocate.

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.

Date of hearing and delivery of  
Judgment & Order : 11.05.2023.

Whether fit for reporting : YES/NO.

**HON'BLE MR JUSTICE T. AMARNATH GOUD**

**JUDGMENT AND ORDER(ORAL)**

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

*"Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing them to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioners, and for quashing/setting aside the impugned Offers of Appointments(Annexure-7 supra) insofar as the same grant a fixed monthly pay of Rs.22,785/- to the petitioners, and negating the seniority of the past services rendered by the petitioners, regular pay scale, pay protection, i.e., counting the past services for the purpose of fixation of pay, leave encashment, leave salary, gratuity and all other admissible service benefits, including pension, in defiance of the directions, contained in the Judgment & Order dated 07.05.2014 (referred to supra), as well as the Judgment & Order (Annexure-11 supra), and for quashing/setting aside the impugned memorandum dated 12.11.2021(Annexure-12 supra), insofar as the same negates the claim*

of the petitioners, for grant of MACP-1, after completion of 10 years of service.

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, for mandating/directing them, to revoke/rescind the impugned Memorandum dated 12.11.2021(Annexure-12 supra), insofar as the same negates the claim of the petitioners, for grant of MACP-1 after completion of 10 years of service, and further to mandating/directing them to grant the benefit of MACP-1, on completion of 10 years of service.

iii. Call for the records appertaining to this writ petition.

iv. Costs of any incidental to this writ petition.

v. After hearing the parties, be pleased to make the Rule Absolute in terms of i. & ii. above.

vi. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

2. Heard Mr. Somik Deb, learned Sr. counsel assisted by Mr. K. Debnath, learned counsel appearing for the petitioners as well as Mr. D. Sharma, learned Addl. G.A. appearing for the State-respondents.

3. Mr. Somik Deb, learned Sr. counsel appearing for petitioners herein has challenged the impugned memorandum to the limited extend which is extracted herein under:-

*"(ii) In Category-II cases, past service rendered by the petitioners will be counted for the purpose of pension, pay fixation and all other purpose except for seniority"*

4. Heard both sides and perused the evidence on record.

5. For proper adjudication of this matter, let us reproduce Para-30 of the Judgment and Order dated 29.01.2020 passed in WP(C) No.295 of 2019 and ors., here-in-below:-

*"30. Under the circumstances, petitions are disposed of with following directions:*

*(i) In case of Category-I cases, the petitioners shall receive full benefit of the past service for the purpose of seniority, pension and all other purposes.*

*(ii) In Category-II cases, past service rendered by the petitioners will be counted for the purpose of pension, pay fixation and all other purposes except for seniority. In other words, it is provided that the pay of these petitioners would be fixed in their respective posts pursuant to fresh appointments taking into account entire past service rendered by them and bearing in mind the principles contained in F.R.22 of the Fundamental Rules. However, their past service shall not count towards seniority. They would be placed at the bottom of seniority as on the date of their fresh appointments. It is clarified that these directions shall not enable any other teachers in the same cadre or any other cadre to claim upgradation of his/her pay by seeking removal of anomaly or in any other manner.*

*(iii) In Category-III cases, the petitioners' past service would be counted for the limited purpose of retaining their leave credit, provident fund, pension and gratuity and further that they will be placed in the regular scale of pay from the date of their fresh appointment and the pay will be fixed at the minimum of the scale. They would receive all admissible allowances.*

6. A fair reading of the impugned memorandum neither explains the true letter and spirit of the said judgment instead there is ambiguity. This Court makes it clear that in the order passed by this Court dated 29.01.2020, the petitioners are entitled to all monetary benefits except seniority.

7. In view of the same the said impugned memorandum is set aside and the matter is remanded back to the respondents to reconsider the request of the petitioner in the true letter and spirit of the said Judgment and Order passed by this Court dated 29.01.2020. This decision shall be taken by the respondents within a period of 1(one) month from the date of receipt of the copy of this order.

8. With the above observation and direction, this present writ petition stands disposed of. Stay if any stands vacated. Pending application(s), if any also stands closed.

**JUDGE**

suhanjit

