

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.256 of 2022

Smt. Mausumi Khan

....Petitioner(s)

Versus

The State of Tripura and 2 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. Koomar Chakraborty, Advocate
For the Respondent(s)	:	Mr. D. Sarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

06/12/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Koomar Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. GA appearing for the respondents-State.

By way of filing the present writ petition, the petitioner has prayed for enhancing the wages applicable to the employees of the District Rural Development Agency(for short, DRDA) and for quashing/cancelling the letter dated 11.11.2021 issued by the HOO & DDO(Under Secretary, RD), SLMC of SGSY, Rural Development Department.

The petitioner was first engaged as Data Entry Operator(for short, DEO) on contract basis in the year 2007. Time to time her contractual service has been extended and she is still working as contractual employee under the DRDA. It is stated that some proposals have been initiated for extending the benefit of enhanced wages to the DEOs. It is evinced from the memorandum dated 24.07.2017 that the State Government vide notification dated 15.06.2017 decided to allow the revision of pay structure of the employees of the State PSUs and other organization on the basis of pay matrix adopted for the State government employees. Thereafter, vide letter dated 05.03.2020, the Director(Projects), SLMC of SGSY, Rural Development Department directed the DRDA of all 8 districts to revise the pay of employees and workers as per rule as advised by the Finance Department with the approval of the Governing Body.

It is the grievance of the petitioner that she has been given the benefit of ROP, 2009 but has not been given the benefit of ROP, 2017 and TSCS(RP) (1st Amendment) Rules, 2018 whereas a similarly situated employee, namely Suman Dey, who is serving as DEO under the DRDA, Gomati, Tripura has been given the benefit of enhanced wage.

Mr. Sarma, learned Addl. GA has submitted that the petitioner is not entitled to any enhanced wages as she has been outsourced.

Since similarly situated employee had already been provided the benefit of enhanced wages as per rule, *prima facie*, I find, it is a clear case of discrimination, and in view of the above, I am inclined to remit the matter back to the competent authority of the DRDA, who, in consultation with the Finance Department, Govt. of Tripura will decide as to why the petitioner shall not be provided with the benefit of enhanced wages as per the rule.

Accordingly, the matter is remitted back to the Project Director, DRDA, West Tripura to take a decision afresh as regards extending the benefit of enhanced wages to the petitioner.

The entire process shall be completed within a period of 6(six) months from today. To decide the dispute, the concerned departments may consider the memorandum dated 24.07.2017(Annexure-9 to the writ petition) as well as communication dated 26.02.2021(Annexure-13 to the writ petition).

The present writ petition stands disposed in the above terms.

JUDGE

Snigdha

SANJAY Digitally signed by
GHOSH SANJAY GHOSH
Date: 2023.12.08
15:47:50 +05'30'