

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 287/2022

Sri Pijush Kanti Mondal

----Petitioner(s)

Versus

The Chief Executive Officer, TTAADC and others

----Respondent(s)

For Petitioner(s) : Mr. A.K. Pal, Advocate

For Respondent(s) : Mr. B. Debbarma, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

11/12/2023

Heard Mr. A.K. Pal, learned counsel for the petitioner. Also heard Mr. B. Debbarma, learned counsel for the respondents-TTAADC.

By way of filing the present writ petition, the petitioner has prayed for providing him regular pay-scale of Assistant Engineer, and also has claimed his seniority over Sri Sibabrata Sarkar and Sri Sushanta Majumder.

It is the case of the petitioner that he is entitled to get the pay-scale of Assistant Engineer from the date on which his juniors were promoted to the post of Assistant Engineer alongwith the pay-scale of Assistant Engineer prevalent at that time.

It is contended that the petitioner has been provided with pay-scale of Rs.10,000/- - Rs.15,000/- w.e.f. 06.07.2007, though he was entitled to the pay-scale of Assistant Engineer from 06.07.1998, which is evident from Memorandum dated 31.08.2021 (Annexure-B to the writ petition). For brevity, the Memorandum dated 31.08.2021 issued by the Deputy Chief Executive Officer, TTAADC, Khumulwng, may be reproduced here-in-under:

“Tripura Tribal Areas Autonomous District Council
Office of the Chief Executive Officer
Khumulwng, West Tripura

Email ID: eadmnestt@gmail.com

No.F.2(183)/ADC/Estt/III/2020/16,356-65

Dated 31/08/2021

MEMORANDUM

Sri Pijush Kanti Mondal, Executive Engineer (F.D.C.) office of the Chief Engineer, TTAADC, PWD, Khumulwng is deemed to have been promoted to the post of Assistant Engineer in the scale of Rs.3000-90-3720-95-4100-100-5000/- (pre-revised) with effect from 06/07/1998

being the senior of Sri Sibabrata Sarkar, Assistant Engineer who has promoted to the Assistant Engineer on 06/07/1998.

His seniority is being placed above against Sri Sibabrata Sarkar, Assistant Engineer.

The Pay and allowance shall be fixed w.e.f. 06/07/1998 till date.

This is issued with the approval of the competent authority vide U.O. No. 1198/ADC/CEM/21, Dated 18/08/2021.

Sd/(U.R. Debbarma, TCS, SSG)
Dy. Chief Executive Officer
TTAADC, Khumulwng."

However, under Office Order dated 07.09.2021 (Annexure-C to the writ petition), the authority concerned had cancelled the Memorandum dated 31.08.2021, and the competent authority was asked to review the matter.

It is admitted position that Sri Sushanta Majumder and Sri Sibabrata Sarkar are juniors to the petitioner. They were treated as Assistant Engineer w.e.f. 06.07.1998, but the case of the petitioner was not considered. In view of this, in the opinion of this court, the petitioner being senior of Sri Sushanta Majumder and Sri Sibabrata Sarkar is entitled to get pay-scale of Assistant Engineer w.e.f. 06.07.1998 when his juniors were provided with the said pay-scale.

Considering the nature of the writ petition and the period consumed by the petitioner to agitate his claim by way of filing the writ petition, I direct the respondents to review the matter of seniority and granting of pay-scale to the petitioner w.e.f. 06.07.1998 within a period of 2 (two) months from today.

With the aforesaid directions, the instant writ petition stands allowed and thus disposed.

JUDGE

SAIKAT KAR  Digitally signed by SAIKAT KAR
Date: 2023.12.12 14:08:55
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