

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.292 of 2022

Shibabrata Paul & 2 Others

..... Petitioners

_V_E_R_S_U_S_

The State of Tripura and 4 Others

.....Respondents

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Nath, Advocate.
For Respondent(s)	:	Mr. R. Saha, Advocate Mr. K. K. Pal, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

20/04/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioners. Also heard Mr. R. Saha, learned counsel and Mr. K. K. Pal, learned counsel appearing for the respondents.

The petitioners have prayed for the following reliefs:

“i. Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order(s) and/or direction(s) of like nature shall not be issued whereby directing that, the petitioners herein, are covered by the judgment and order (Oral) dt.26.09.2018, passed by the Hon'ble High Court in WP(C) No.06/2017, WP(C) No.07/2017, WP(C) No.08/2017, WP(C) No.09/2017, WP(C) No.10/2017, WP(C) No.11/2017, WP(C) No.12/2017, and by the judgment & order (Oral), dt.26.03.2021, in WP(C) No.01/2021.

ii. Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order(s) and/or direction(s) of like nature shall not be issued whereby directing the respondents to give regular scale of pay to the petitioners w.e.f. completion of their 5 years of service.

iii. Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order(s) and/or direction(s) of like nature shall not be issued whereby directing the respondents to extend similar benefit to the petitioners, flowing from the memo dt.05.11.2020, issued by the Deputy Secretary, Government of Tripura, by treating the petitioners as State Government Employees in Labour Directorate under the Labour Department on deputation to the ESI Society, Tripura and by including

their names in the data base of the Finance Department for giving salary to them through State Treasury.

AND

Call for the records pertaining to the instant writ petition from the custody of the respondents and to make the rule absolute.”

The facts in brief are that the petitioners have filed this petition seeking direction to the respondents to pay their salary from the State Treasury after entering their names in the database of the Finance Department. The petitioners, who are serving under the State respondents, being posted at ESI Dispensary, Agartala, have also challenged the impugned memo dt.18.05.2016 issued by the Dy. Secretary, Labour Department, Govt. of Tripura. Be it mentioned here, that this Court vide common judgment and order dt.26.09.2018 passed in WP(C) No.06-12/2017 and vide judgment and order dt.26.03.2021 passed in WP(C) No.01/2021, have already set aside the aforesaid memo and in consequence thereof, the respondents by order dated 05.11.2020 has held that the petitioners in WP(C) No.06-12/2017 and WP(C) No.01 of 2021 are State Govt. employees and their salary will be given from the State Treasury after entering their names in the database of the Finance Department.

The petitioners herein are squarely covered by the aforesaid judgments. The petitioners have also sought for necessary direction upon the respondents to allow the petitioners regular scale of pay on completion of five years being engaged on fixed pay basis against duly created vacant posts. But, till date the due benefits as sought for, by the petitioners have not been extended to them.

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

In view of above, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider the case of the petitioners in the light of the judgments as relied upon by the petitioners if, these judgments have applicability to the facts and circumstances

of the case within a period of two months from the date of receipt of the copy of this order.

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

JUDGE

A. Ghosh

