

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.256 of 2023

Sri Satish Debbarma & 2 Others.

.....*Petitioner*

V_E_R_S_U_S

The State of Tripura & 6 Others.

.....*Respondents*

For Petitioner(s)	:	Mr. A. Bhowmik, Advocate.
For Respondent(s)	:	Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

27/04/2023

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioners. Also heard Mr. S. Saha, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India directing the respondents to grant one advance increment in favour of the petitioners under Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. Further, setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura whereby a decision has been taken to provide lump-sum benefit to the teachers.

The petitioners have prayed for the following reliefs:

- i. Issue notice upon the respondents.
- ii. Call for the records.
- iii. Issue rule calling upon the respondents to show cause as to why the petitioners shall not be given the benefit of one increment as per Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 along with arrears of financial benefit.

AND

Issue rule calling upon the respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted all financial benefits as per the judgment and order dated 19th March, 2021 passed in WP(C) No.703/2019 by this Hon'ble High Court as upheld by the Ld. Division Bench in W.A. No.207/2021 (Annexure-13 and 14 to this writ petition).

AND

After hearing the parties, be pleased to make the rule absolute.”

The facts in brief are that the for granting one time increment in favour of the petitioners for the B.Ed. training undergone by the petitioners prior to entry into the service as per Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioners has further prayed to set aside the memorandum dated 6th July, 2011 issued by the Finance Department, Govt. of Tripura whereby a decision has been taken to provide lump-sum benefit as training incentive in lieu of increment.

All the petitioners are serving under grant in aid schools of the government of Tripura. It is highlighted that as per Tripura Grant-in-Aid Rules, 2005, all government rules, regulations, etc. including Revision of Pay Rules viz. TSCS (RP) Rules, 2009 applies to government aided school. Therefore, Rule-13(1) (ii) of the rules of 2009 applies to government aided schools also. The Finance Department issued a memorandum on 6th July, 2011 whereby it was provided that the fixed pay employees do not come under the purview of revision of pay rules and therefore, the teachers who completed the B.Ed. prior to entry into service are entitled to lump-sum benefit and not the increment as provided under the rules.

The said memorandum is contrary to the rules of 2009 as Rule-13(1)(ii) of the rules of 2009 clearly provides for grant of increment to teachers. Similar issue has already been decided by this Court in judgment and order dated 19th March, 2021. The petitioners through their advocate submitted a representation on 20.04.2023 upon the respondents to grant the petitioners increment under Rule-13(1) (ii) of TSCS (Revised Pay) Rules, 2009. But till date, the petitioners have been denied the benefit of increment.

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

Having considered the submissions advanced by the learned counsel appearing for both the parties, without expressing any opinion on merits, the present writ petition stands disposed of directing respondents to consider and dispose of the case of the petitioners in the light of the representation dated 20.04.2023 filed by the petitioners before the respondents within a period of three months from the date of receipt of the copy of this order, in accordance with law.

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

JUDGE

A. Ghosh



सत्यमेव जयते