

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.286 of 2022

1. Sri Munna Ghosh, son of Sri. Mahadeb Ghosh resident of village Bridhya Nagar, P.O- Ranir Bazar, P.S- Ranir Bazar, District - West Tripura.
2. Sri. Suresh C, son of Sri. V. Chandiram, resident of village 137 New 31/37, Thiyagu Kumaran Street, Palavansathu Kuppen, P.O- Thorpadi, P.S - Bagayam, District - Vellore, State – Tamilnadu.
3. Sri. Sourab Barman, son of Sri Manto Barman, resident of village - West Pratapgarh, P.O- A.D Nagar, P.S - West Agartala, District - West Tripura.
4. Sri. Santosh Das, Son of Sri. Nagendra Das, resident of village - Bakbaki, P.O- Bakbaki, P.S - Kadamtala, District - North Tripura.
5. Sri. Bikram Majumder, Son of Sri. Haradhan Majumder, resident of village Lembutali, P.O - N.C Nagar, P.S - Bishalgarh, District - Sepahijala Tripura.
6. Sri. Sanjit Sabdakar, Son of Sri. Birendra Sabdakar, resident of village - Ram Rattan Para, P.O- Kulai, P.S - Ambassa, District - Dhalai Tripura.
7. Sri. Anil Kumar Noatia, son of Sri. Jahar Lal Noatia, resident of village - Tulatali, P.O - Nidaya, P.S - Jatra Pur, District - Sepahijala, Tripura.
8. Sri. Jiban Krishna Sutradhar, son of Sri. Nakuul Chandra Sutradhar, resident of village - Bankim nagar, P.O- Birednra Nagar, P.S - Jirania, District - West Tripura.
9. Sri. Dipak Majumder, son of Sri. Subash Majumder, resident of village - West Khupilong, P.O- Khupilong Bazaar, P.S - Killa, District- Gomati Tripura.
10. Sri. Selim Marak, son of Sri. Brajendra Marak, resident of village - Kanchanpur, P.O- Kanchanpur, P.S - Kanchanpur, District Dhalai Tripura.

..... Petitioner(s).

Versus

1. The State of Tripura represented by the Commissioner and Secretary, Home Department, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S - New Capital Complex, Sub-Division - Agartala, District - West Tripura, Pin – 799006.
2. The Commissioner and Secretary, Home Department, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S_ New Capital Complex, Sub-Division- Agartala, District - West Tripura, Pin – 799006.
3. The Commissioner and Secretary, Finance Department, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban,

PS - New Capital Complex, Sub-Division - Agartala, District - West Tripura, Pin – 799006.

4. The Deputy Secretary, Home Department, Government of Tripura having his office at Secretariat Building, P.O- Kunjaban, P.S - New Capital Complex, Sub- Division - Agartala, District - West Tripura, Pin - 799006
5. The Director General of Police, Government of Tripura, having his office at Fire Service Chowmuhan, P.O- Agartala, P.S - West Agartala, Sub-Division - Agartala, District - West Tripura, Pin – 799001

..... Respondent(s).

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate,
Mr. P. Chakraborty, Advocate.

For Respondent(s) : Mr. D. Bhattacharya, G.A.,
Mr. S. Saha, Advocate.

WP(C) No.331 of 2022

1. Ashis Das, son of Arjun Das, resident of village and PO- Agnipasa, PS- Panisagar, District- North Tripura.
2. Chattarjee Debbarma, son of Durjoy Debbarma, resident of village- Gagan Sardar Para, PO- Sutarmura, PS- Bishramganj, District- Sepahijala Tripura.
3. Rohtas Kumar, son of Banwari Lal, resident of village and PO- Jasrapur, PS_ Khetri Nagar, Rajasthan.
4. M. Madhusudhan, son of Late Rambabu, resident of village, PO and PS- Revanoor, District- Kurnool, Andra Pradesh.
5. Sadhan Sarkar, son of Late Lal Mohan Sarkar, resident of village and PO_- Kalshimura, PS- Kalamcherra, District- Sepahijala Tripura.
6. Dibaranjan Tripura, son of Late Nagendra Tripura, resident of village - South Dhumacharra, PO and PS- - Dhumacharra, District - Dhalai Tripura.
7. Drau Kumar Reang, son of Late Beb Singhai Reang, resident of village and PO- Gachirampara, PS- Kanchanpur, District - North Tripura.
8. Digendra Debanth, son of Dinesh Debnath, resident of village - Subashnagar, PO and PS - Kanchanpur, District - North Tripura.
9. Sanjoy Sutradhar, son of Nimai Sutradhar, resident of village- Bankim Nagar, PO- Birendranagar, PS_ Jirania, District- West Tripura.
10. Ramendu Reang, son of Binoy Kr. Reang, resident of village- Karanjay Para, PO- Suknachera, PS- Kanchanpur, District- North Tripura.

11. Santanu Deb, son of Anil Deb, resident of village and PO- A.D Nagar, PS- West Agartala, District- West Tripura.
12. Mantu Mohan Tripura, son of Suresh Tripura, resident of village and PO - Jagabandhupara, PS- Gandhacherra, District- Dhalai Tripura.
13. Roop Kishore, son of Hakim Singh, resident of village - Ahamal, PO- Sonkh, PS- Magorra, District- Mathura, Uttar Pradesh.
14. Sandeep Kumar, son of Bansi Lal, resident of village and PO- Deoli Ahir, PS- Mahinderghar, District- Mahinderghar, Haryana.
15. Sujan Das, son of Narayan Das, resident of village - Fulkumari No.01, PO- Fulkumari No.02, PS- R.K. Pur, District- Gomati Tripura.
16. Rabindra Debbarma, son of Budharai Debbarma, resident of village- Chandrapara, PO- Bagma Bazar, PS- R.K Pur, District- Gomati Tripura.
17. Sabuj Majumder, son of Late Subal Majumder, resident of village and PO- Betaga, PS- Santirbazar, District - South Tripura.
18. Joydeb Das, son of Late Raiharan Das, resident of village- Krishnapur, PO- Anandapur, PS- P.R Bari, District - South Tripura.
19. Gaya Ram Reang, son of Basu Ram Reang, resident of village- Matarai Para, PO and PS - Kakrabon, Dist - Gomati Tripura.
20. Nishanth Babu G., son of G Gopinathan Pillai, resident of village, Kalluvathukkal, PO and PS- Kulathoorkonam, District- Kollam, Kerala.
21. Bachan Singh Meena, son of Kirorilal Meena, resident of village and PO- Kansoti Khera, PS -Bari, District- Dholpur, Rajasthan.
22. Ram Bilash Singh Yadav, son of Shiv Prasad Singh Yadav, resident of village Bahura, PO- Shishradh, PS- Rajput, District- Buxar, Bihar.
23. Pabitra Roy, son of Ramani Roy, resident of village and PO- Kamakhayaguri, PS- Kumargram Duar, District- Jalpaiguri, West Bengal.
24. Bijoy Halam, son of Dhankar Rai Halam, resident of village- Chandra Halam Para, PO- Agnipasa, PS- Panisagar, District- North Tripura.
25. Sunil Kumar, son of Babu Lal Prasad, resident of village- Putodih, PO- Mandudih, PS- Sat Gavan, District- Koderma, Jharkhand.
26. Kutun Das, son of Chinta Haran Das, resident of village- East Howai Bari, PO - Howai Bari, PS- Teliamura, District- Khowai Tripura.
27. Antimoy Marak, son of Minesh Marak, resident of village- Malsom Pathar, PO- Kakraban, PS- R.K. Pur, District- Gomati, Tripura.
28. Pradip Baishnab, son of Krishna Baishnab, resident of village- A.D Nagar, P.O- A.D. Nagar, PS - West Agartala, District- West Tripura.
29. Dilip Das, son of Manoranajn Das, resident of village- Nalgaria, PO- Ranir Bazar, PS- Jirania, District- West Tripura.
30. Rajesh Harijan, son of Udai Harijan, resident of village - G.B, Bazar, PO- Kunjaban, PS- East Agartala, District- West Tripura.

31. Kamission Reang, son of Sachindra Reang, resident of village and PO- East Bagafa, PS- Santir Bazar, District - South Tripura.
32. Rajesh Debbarma, son of Sunil Debbarma, resident of village - R.K. Nagar, PO- Khash Noagaon, PS- Budhjung Nagar, District- West Tripura.
33. Pranjit Debbarma, son of Upendra Debbarma, resident of village- Lal Chari, PO- Balaram Bazar, PS_ Ambassa Nagar, District- Dhalai Tripura.
34. Bidhan Dhar, son of Sayan Dhar, resident of village- Chandrapur, PO- Reshambagan, PS- East Agartala, District- West Tripura.
35. Kartik Das, son of Manik Das, resident of village and PO- Collegetilla, PS- East, Agartala, District- West Tripura.

.....Petitioner(s).

Versus

1. The State of Tripura, represented by the Commissioner and Secretary to the Home Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District - West Tripura.
2. The Commissioner and Secretary, Home Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District - West Tripura.
3. The Deputy Secretary, Home Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District- West Tripura.
4. The Commissioner and Secretary, Finance Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District - West Tripura.
5. The Director General of Police, Government of Tripura, Agartala, West Tripura.
6. The Deputy Inspector General of Police, AP (Adm and Trg), Government of Tripura, Agartala, West Tripura.
7. The Assistant Inspector General of Police (Tripura State Rifles), Government of Tripura, Agartala, West Tripura.
8. Sri Ashish Debnath, Rifleman (Sweeper), son of Nepal Debnath, resident of village- Ishanpur, PO- Panchabati, Ishanpur, PS- Sidhai, District- West Tripura, Pin- 799212.
9. Sri Binod Tripura, Rifleman (Dhobi), son of Hari Krishna Tripura, resident of village- Gardhan, PO- Bhuratali, PS- Manubazar, District- South Tripura, Pin- 799143.

..... Respondent(s).

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. Koomar chakraborty, Advocate.
For Respondent(s)	: Mr. D. Bhattacharya, G.A., Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
_O_R_D_E_R_

27/09/2023

WP(C) No.286 of 2022 and WP(C) No.331 of 2022 are being heard together and are being decided by this common order as both the writ petitions raise same grievances.

[2] Heard learned counsel for the parties.

[3] The grievance of the petitioners in both the writ petitions are directed against the decision of the Finance Department which has regretted the proposal of the Home Department dated 27th August, 2021 for remustration / upgradation of the petitioners who are Enrolled Followers in the Tripura State Rifles (TSR), for the existing Tripura State Rifles or for raising of an independent India Reserve Battalion and being converted into the category of the Riflemen (Tradesmen) (Group-C).

[4] The matter was considered by the Finance Department, which conveyed its opinion as contained in the letter dated 19th June, 2021 [Annexure-8 to the WP(C) 286 of 2022] is extracted hereunder:

"No.F.42(4)-PD/2011 (Part-II)/1765
GOVERNMENT OF TRIPURA
HOME DEPARTMENT

Dated, Agartala, the 19th June, 2021

To,
The Director General of Police
Tripura: Agartala

Subject: Regarding remustration of Enrolled Followers (Group-D)
to the rank of Riflemen (Tradesmen) (Group-C).

Sir,

I am directed to refer to your letter No.2136(1)/F.8(185)-PHQ/TSR/2020 dated 27th April, 2021 on the subject mentioned above and to inform you that the matter was taken up with Finance Department for views. In response, Finance Department has opined following:-

“The Finance Department regrets the proposal of the Department for up-gradation of all Enrolled Followers (Group-D) to the rank of Riflemen (Tradesmen) (Group-D) of TSR Battalion by way of remustration.

The Department is requested to examine whether the existing designation of Riflemen (Tradesmen) can be modified to Riflemen (Tradesmen, Gr-A) and those of Enrolled Follower can be modified to Riflemen (Tradesmen, Gr-B) to bring them within the similar designation. However, when the State Government pay scales are applicable, there is no reason to upgrade the post, as per Central pattern.”

2. This is for your kind information.

Yours faithfully,

Sd/-

(Arup Deb)

Deputy Secretary to the
Government of Tripura”

[5] The petitioners during course of the proceedings of the case tried to make out a case that though the Finance Department has regretted the proposal of the Department for up-gradation of all Enrolled Followers (Group-D) to the rank of Riflemen (Tradesmen) (Group-D) of TSR Battalion by way of remustration, but the Home Department was requested to examine whether the existing designation of Riflemen (Tradesmen) can be modified to Riflemen (Tradesmen) (Gr-A) and those of Enrolled Followers that is the petitioners can be modified to Riflemen (Tradesmen, Gr-B) to bring them within the similar designation. This prompted this Court to direct the respondents to come out with a latest instructions vide order dated 23.06.2023 as to whether the Home Department is still contemplating or has initiated the process of remustration of Enrolled Followers in the Tripura State Rifles or India Reserve Battalion in the higher Group-C post of Riflemen (Tradesmen) or not. The additional affidavit filed by the respondents-State in both the writ petitions also make

the stand of the Home Department clear. At para-4 of the additional affidavit in WP(C) No.286 of 2022, the respondents have referred to the letter bearing No. F.42(4)-PD/2011 (Part-II)/1699, dated 12.07.2023 [Annexure-R/1 to the WP(C) No.331 of 2022] where the following decision has been conveyed and the said letter is extracted hereunder:

“No.F.42(4)-PD/2011 (Part-II)/1699

Government of Tripura

Home Department

12th July, 2023

To

The Director General of Police,
Tripura, Agartala

Subject: - Reg. order dated 23.06.2023 passed by the Hon’ble High Court of Tripura in WP(C) No.286 of 2022 & WP(C) No.331/2022.

Sir,

I am directed to refer to the proposal contained in F.No.R-64/PHQ/LC/2022 in connection with the subject cited above and to inform you that the matter has been examined and it appears that earlier the proposal for remuneration of Enrolled followers (Group-D) to the rank of Riflemen Tradesmen in TSR Battalions has been regretted by Home Department’s letter of even number dated 19.01.2022 (copy enclosed) and the proposal for abolition and re-designation of the post of Enrolled Followers of different trades by merging it with Riflemen Tradesmen in TSR has also been regretted by Home the Department’s letter dated 23.02.2023. (copy enclosed)

2. In view of the above, I am directed to request you kindly to appraise the Hon’ble High Court of Tripura regarding the decision taken by the Home Department in this regard before the next date of hearing fixed on 21.07.2023.

This is for your kind information and necessary action.

Yours faithfully,

Encl: As stated.

Sd/-

(S. Chakraborty)

Deputy Secretary to the
Government of Tripura”

[6] It further appears from the letter bearing No.F.42(4)-PD/2011 (Part-II)/505 dated 23rd February, 2023 [Annexure R/3 to the WP(C) No.331 of 2022] that there is no provision for abolition and re-designation

of the post of Enrolled Followers (E/F) of different trades by merging it with Riflemen Tradesmen as per Rules of Tripura State Rifles and the education qualification of Riflemen (Tradesmen) and Enrolled Followers are not same. Hence, the State Government has re-iterated the earlier decision as communicated vide letter dated 19th January, 2023. It therefore becomes clear that the plea of the petitioners who are Enrolled Followers in the Tripura State Rifles for being converted into the category of Riflemen (Tradesmen) (Group-C) cannot be acceded to as there is no provision framed by the Government of Tripura for re-designation of their post by merging it with Riflemen (Tradesmen) as per Rules of Tripura State Rifles, and moreover, the educational qualification of Riflemen (Tradesmen) and Enrolled Followers are also not the same. The petitioners could raise a valid cause of action only on the basis of a legal right created by a statutory Rule or provision which allows such remuneration or conversion of the class of Enrolled Followers in the Tripura State Rifles to the Group –C post of Riflemen (Tradesmen).

[7] Learned senior counsel for the petitioners have submitted that the Home Department itself mooted the proposal initially vide letter dated 27th April, 2021 and created a legitimate expectation in the minds of the Enrolled Followers like the petitioners for their remuneration or conversion as Riflemen (Tradesmen) in Group-C in the Tripura State Rifles. As such, the respondents should not be allowed to go back on the promise.

[8] Mr. D. Bhattacharya, learned Government Advocate for the State, has inter alia submitted that the plea of the petitioners is not based on a legal right. It is a matter of policy of the respondents-Government whether to allow up-gradation of Enrolled Followers in Group-D to the

rank of Riflemen (Tradesmen) by way of remuneration. After due examination, it has been regretted both by the Finance Department and the Home Department. As such, in such matters of policy, petitioners cannot make out a legal right to seek relief in the manner prayed for. The wisdom of the policy makers cannot be questioned unless shown to be irrational or contrary to the statutory rules.

[9] On consideration of rival submissions of the parties and pleadings on record and the relevant decisions of the Finance Department and the Home Department extracted hereinabove, this Court is of the opinion that petitioners, in the absence of a legal right, cannot claim remuneration or conversion from the category of Enrolled Followers to Riflemen (Tradesmen) in Group-C under the Tripura State Rifles. As such, no relief can be granted to the petitioners. Accordingly, writ petitions are dismissed.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ