

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.336 of 2022

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Ms. A. Debbarma, Advocate.
For Respondent(s)	:	Mr. D. Sarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

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31/03/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioner had prayed for the following reliefs:

- i. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction of like nature shall not be issued whereby quashing & cancelling the memorandum, dated, 03.02.2022, issued by the Principal, RIPSAT, whereby it is held, that, the petitioner is required to submit his detailed information about his academic performance as per performance based appraisal system in terms of AICTE Notification, dated 08.11.2012 (Annexure-10 to the writ petition).
- ii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction of like nature shall not be issued whereby directing the respondents to give benefit of pay scale of Rs.15,600-39,100 with AGP-8,000/- w.e.f. 24.09.2020 in terms of AICTE Regulation, adopted by the State Government, vide notification dated 01.03.2013, with all consequential incidental benefits including the arrear pay and salary with interest @ Rs.9% per annum.
- iii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction of like nature shall not be issued whereby directing the respondents to give benefit of revised pay scale to the petitioner in terms of AICTE Regulation-2019, w.e.f. 01.01.2016, notified vide notification, dated, 01.03.2019 (Annexure-15 supra) with all consequential incidental benefits including the arrear pay and salary with interest @ Rs.9% per annum.
- iv. Make the rule absolute."

The case of the petitioner is that the petitioner who, is a Lecturer in Pharmacy (Pharmacology) (Diploma Course) serving under the State respondents has sought for necessary direction upon the respondents to grant him the benefit of revised pay scale as per AICTE Regulation 2019 w.e.f. 01.01.2016 & the benefit of movement of AGP-8,000/- FROM AGP-7,000/- in the pay scale of Rs.15,600-39,100/- w.e.f. 24.09.2020 (the date of completion

of 5 years with AGP-7,000/- having M. Pharma Degree), in terms of AICTE Regulation, adopted by the State of Tripura, vide notification, dated, 01.03.2013. The petitioner also sought for quashing & cancelling the memorandum, dated 30.02.2022 issued by the Principal, RIPSAT, whereby it is held, that, the petitioner is required to submit his detailed information about his academic performance as per performance based appraisal system in terms of AICTE notification, dated 08.11.2012 (Annexure-10 to the writ petition).

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

In view of above and after interacting the learned counsel appearing for the parties it is seen that vide proceeding dated 3rd February, 2022 issued by the respondent; the petitioner was directed to furnish certain information and without furnishing any information, the present petition is filed. Admittedly, the petitioner made a request with regard to the payment of the arrears before the respondents and the same has been forwarded by the Principal of the respondent College and the same is pending consideration with the respondents. Since, some additional information is required, the proceeding dated 3rd February, 2022, was communicated to the petitioner.

Accordingly, without expressing any opinion on merits, the present writ petition stands disposed of giving liberty to the petitioner to comply with the proceeding dated 3rd February, 2022 issued by the respondents for furnishing all relevant information along with all material evidence and on receipt of such information, the respondent within a period of two months thereafter, shall decide the matter in accordance with law and also communicate the same to the petitioner.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)