

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 292/2023

Kalidas Shil and 360 others **Petitioner(s)**

Versus

State of Tripura and 7 others **Respondent(s)**

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. Koomar Chakraborty, Advocate.

For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

Date of hearing and
delivery of judgment
and order : 16.05.2023.

Whether fit for reporting : No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India filed by the petitioners.

[2] The brief case of the petitioners is that in the year 2001, the petitioners were appointed to the post of Riflemen (GD), TSR. On 20.07.2018, pay anomaly arose between the petitioners and one Sri Dipak Mallik, Rifleman (GD), TSR, who is junior to them. On 20.09.2019, the petitioner submitted representation indicating such pay anomaly, and prayed for stepping up of his pay. Similarly, the other petitioners also submitted representations. By a Letter dated 14.10.2019, the Assistant Inspector General of Police requested the Home Department to give instruction for removing such pay anomaly. Thereafter, vide letters dated 03.02.2020, 23.11.2020, 15.03.2022, the Assistant Inspector General of Police made further communications to the Home Department to give instruction for removing such pay anomaly. On 30.04.2022, the Deputy Secretary, Home Department made a communication to the Deputy Secretary, Finance Department,

intimating that the said matter was referred to the Finance Department on 08.12.2020, but no reply was received in connection therewith. On 02.12.2022, the Deputy Secretary, Home Department communicated the views of the Finance Department in the said regard to the effect that the matter falls within the ambit of Government policy decision. As and when the Government decides on such matters, it will be communicated. According to the petitioners, in the instant case, the petitioners are praying for stepping up of pay at par with their juniors, which is not a matter of policy decision, rather, the constitutional right of the petitioners.

[3] Being aggrieved, the petitioner has approached this court for the following reliefs:

(i) Issue rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned letter dated 02.12.2022.

(ii) Issue rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to fix the respective Basic Pays of the petitioners, at par with Sri Dipak Mallik, Rifleman (GD), TSR (the private respondent) by way of stepping up from Rs.30,230/- to Rs.31,140/-, with effect from the date when the relevant pay anomaly arose (i.e., w.e.f. 20.07.2018), including all the consequential benefits flowing therefrom, alongwith arrears thereof.

[4] Heard Mr. P. Roy Barman, learned senior counsel appearing alongwith Mr. Koomar Chakarborty, learned counsel for the petitioners. Mr. M. Debbarma, learned Addl. G.A. is present for the respondents.

[5] Mr. Roy Barman, learned senior counsel submits that the decision regarding stepping up of pay for the petitioners at par with their juniors may be taken by the official respondents in terms of Annexure-8 & 9 to the writ petition [communications dated 23.11.2020 and 15.3.2022 respectively from the Asstt. Inspector

General of Police (Welfare), Agartala to the Home Department, Government of Tripura, Agartala].

[6] In view of the said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to take decision in the light of the correspondence made by the official respondents in terms of Annexure-8 & 9 to the writ petition as expeditiously as possible preferably within a period of six months from the date of receipt of the copy of this order. It is needless to observe that the said decision shall be taken without placing any reliance on the communication dated 02.12.2022 (Annexure- 11 to the writ petition). The petitioners are at liberty to provide all the relevant materials to the respondents, if so advised.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. pending application(s), if any also stands closed.

JUDGE

Sabyasachi G.

