

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 315 of 2023

Smt. Haimanti Chakraborty and 8 others Petitioner(s)

Versus

State of Tripura and 2 others Respondent(s)

For Petitioner(s) : Mr. A. Bhaumik, Advocate.

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

Date of hearing and
delivery of judgment
and order : 22.05.2023.

Whether fit for reporting : Yes/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 petitioner.

[2] By filing this instant petition under Article 226 of the Constitution of India the petitioners seek a writ of mandamus directing the respondents to grant one 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 further seek a writ of certiorari for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura whereby a decision has been taken to provide lumpsum benefit to the petitioners in lieu of increment under Rule 13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 on the ground that the petitioners were on fixed pay for a period of 5 years after entry into service. The petitioners further raise grievance regarding violation of Rule 13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioner no.1 is serving as Post Graduate Teacher in Philosophy subject and the petitioner no.1 completed B.Ed. on 04.03.2005 i.e. the date of publication of result. Thereafter, the petitioner no.1 received the offer of appointment as Post Graduate Teacher in English subject on 30.03.2007 and accordingly joined in

service pursuant to the offer of appointment. Thereafter, the petitioner no.1 was on fixed pay for a period of 5 years and after completion of 5 years service on fixed pay basis, the petitioner no.3 was granted regular scale of pay vide memorandum dated 14.09.2012 w.e.f. 01.08.2012. The petitioner no.2 is serving as a Post Graduate Teacher in English Subject. The petitioner no.2 completed his B.Ed. on 24.11.2005. Thereafter, the petitioner no.2 joined in service vide offer of appointment dated 30.03.2007 and was on fixed pay for a period of 5 years. on completion of 5 years on fixed pay, the petitioner no.2 was given the benefit of regular pay scale vide memorandum dated 14.09.2012 w.e.f 01.08.2012. The petitioner no.3 is serving as a Post Graduate Teacher in Political Science subject. The petitioner no.3 completed B.Ed. on 31.12.2002. Thereafter, the petitioner no.3 joined in service vide offer of appointment dated 30.03.2007 and was on fixed pay for a period of 5 years. On completion of 5 years on fixed pay, the petitioner no.3 was given the benefit of regular pay scale vide memorandum dated 31.08.2012 w.e.f. 01.08.2012.

[3] Being aggrieved, the petitioner has approached this court 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 alongwith arrears of financial benefit.

(iv) 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.

(vi) 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 W.P.(C) No.703/2019 by this High Court as upheld by the Division Bench in W.A. No.207/2021.

[4] Heard learned counsel appearing for the parties.

[5] It is revealed from record that the petitioners through their engaged counsel submitted representations before the respondents on 29.04.2023 &

03.05.2023 enclosing all the relevant documents but, till date no step has been taken by the respondents for considering the said representations.

[6] Having considered the facts and circumstances and without expressing any opinion on merits of this case, the present writ petition stands disposed of directing the respondents to consider the case of the petitioners in the light of their representations submitted on 29.4.2023 & 03.05.2023 before the respondents within a period of 3(three) months from the date of receipt of the copy of this order.

[7] Accordingly, present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE

