

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C) No.319 of 2023

**Smt. Mousumi Bhattacharjee**

W/o: Hiranmoy Bhattacharjee

R/o:C/o: Anjali Villa, 21/4 Old Kalibari Lane,  
Krishnanagar, Agartala, West Tripura, PIN: 799001.

**....Petitioner(s)**

**Versus**

**1. The State of Tripura**

(To be represented by the Secretary, Finance Department, Govt. of Tripura), New Secretariat Building, New Capital Complex, Agartala, West Tripura, PIN: 799010.

**2. The State Co-operative Marketing Federation of Tripura Limited(Tripura Markfed)**

To be represented by its Manager, Tripura Markfed, Badharghat, P.O: Siddhi Ashram, Agartala, Tripura-W, PIN: 799003.

**3. The Manager**

Tripura Markfed, Badharghat, P.O: Siddhi Ashram, Agartala, Tripura-W, PIN: 799003.

**4. The Registrar of Co-operative Societies**

Govt. of Tripura, Palace Compound, Agartala, Tripura.

**....Respondent(s)**

---

|                       |   |                           |
|-----------------------|---|---------------------------|
| For the Petitioner(s) | : | Ms. A. Debbarma, Advocate |
| For the Respondent(s) | : | Mr. D.C. Saha, Advocate   |
|                       |   | Mrs. A. Banik, Advocate   |

---

**HON'BLE MR. JUSTICE ARINDAM LODH**

**Order**

**13/09/2023**

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D.C. Saha, learned counsel appearing for the respondents nos.1 and 4 and Mrs. A. Banik, learned counsel appearing for respondents nos.2 and 3.

**2.** The case of the petitioner is that while she was discharging her duties as Junior Assistant under the State Co-operative Marketing Federation of Tripura Limited(for short, Tripura MARKFED), she had been asked to discharge her duty as In-charge of Establishment Section which is a post of Senior Assistant and higher than the post of the petitioner which she was holding at that relevant period of time.

3. The petitioner has made a representation to the Managing Director, Tripura MARKFED to extend financial benefits in favour of her for holding the higher responsibilities in a higher post.

4. It is pertinent to mention herein that the Registrar of Cooperative Societies, Government of Tripura vide communication dated 10.06.2020 had informed the matter of extension of financial benefits to the eligible employees as under:

“GOVERNMENT OF TRIPURA  
OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES  
Palace Compound, Agartala  
(Tel No.91-381-232-3765, Fax-232-5935, email:rcstripura2013@gmail.com)

NO.F.8(172-PRC)/ESTT/COOP/2017(PAD)/9766 Dated, Agartala, the 10/6/2020.

To  
The Managing Director  
Tripura MARKFED  
Agartala.

Subject:- Extension of financial benefit to the employees of Tripura MARKFED-regarding.

Sir,

In reference to your letter vide NO.F.1(6) MARKFED/ESTT/MISC/2013/(VOL- 1)/3702, dated 12.03.2020 this is to inform you that, your proposal has been examined by this office and it is found that, the Board of Directors of Tripura MARKFED in their meeting dated 04.03.2020 had discussed over the issue under reference and in principle, they have intended to extend the proposed financial benefits to the eligible employees with reference to the Service Rule (under para 24).

In view of the above, it is to inform here that Tripura MARKFED is a body corporate entity and its affairs are managed by as per the provision of TCS Act, 1974, Rules made there under and By-laws of the society, Also by status, the internal administrative affairs of the society. Also by status, the internal administrative affairs of the society, which includes staffing and salaries etc. are to be decided by the Board itself in conformity with the with the Service Rules and relevant guidelines.

Yours faithfully  
-Sd illegible-  
(Nirmal Adhikar)  
Registrar of Cooperative Societies,  
Government of Tripura.

5. Again, under the memorandum dated 24.09.2020(Annexure 3 to the writ petition) it is revealed that the Finance Department, Government of Tripura in a clarificatory note has decided that rate of honorarium for Group-A and Group-B employees holding full duty-charge of higher post would be Rs.1,500/- per month. Similarly for Group-C and Group-D employees it would be Rs.1,000/- per month. However, extension of benefit of providing full duty-charge has not been regarded as promotion.

6. In the light of aforesaid memorandum, Tripura MARKFED vide memorandum dated 14.12.2020 had provided an honorarium @ Rs.1,000/- only per month to the petitioner w.e.f. 01.11.2020. The Account Section of Tripura MARKFED also was directed to act in accordance with the said order for financial benefit w.e.f. 01.11.2020 to the petitioner.

7. However, the Managing Director, Tripura MARKFED vide communication dated 08.02.2023 informed the petitioner that *“the benefit of providing honorarium was not permissible as per Tripura Civil Service Rule and BY LAW of the Federation”* and she had been asked to furnish evidence/Government order, if any in respect of providing of such benefit by 15.02.2023. On receipt of the said communication, the petitioner had submitted a reply wherein she relied upon the Government of Tripura’s decision under reference no.F.1(15)-FIN(EXPDT-II)2019/4107-4357 dated 24.09.2020. It is also stated in the said reply that the Management of Tripura MARKFED had accepted/approved her prayer for extending the benefit of paying honorarium which was informed to her vide communication dated 14.12.2020. She claimed that such honorarium was paid to her in pursuance of the Finance Department Memo.

8. However, under memorandum dated 15.03.2023, the Managing Director, Tripura MARKFED had decided to recover the amount to the tune of Rs.28,00/- which was paid to the petitioner against the honorarium from the period of 01.11.2020 to 28.02.2023 in 2(two) installments from her salary. The petitioner submitted representation on 18.03.2023, but the same was rejected.

9. It is submitted by Ms. Debbarma, learned counsel for the petitioner that the recovery has already been made by the Managing Director, Tripura MARKFED most illegally and arbitrarily. It is contended that the petitioner is entitled to get refund of the total amount recovered from the salary of the petitioner.

10. On the other hand, Mrs. Banik, learned counsel for the respondents-Tripura MARKFED submitted that the Bye-Laws of Tripura MARKFED, being a Cooperative Society does not allow granting of such honorarium to its employees for higher duty-charge for officiating any post higher than the post an employee holds, which submission has been echoed by Mr. Saha, learned counsel appearing for the respondents-State.

11. In the light of aforesaid submissions, I have gone through the Bye-laws of Tripura MARKFED federation. Clause (k) of Chapter 1 of the service rules of Tripura Apex Marketing Cooperative Society Limited, Agartala, Tripura, it is clearly stated that “officiating appointment” means an appointment which confers on the person benefit of pay etc. only for the period during which he renders duty in the post, but does not confer any claim or title to the post. Admittedly, the petitioner was asked to officiate the post of Senior Assistant Manager w.e.f. 2016. However, she did not demand any honorarium for officiating for 4(four) years in the said post. Only in the year 2020 when the Finance Department, Government of Tripura issued memorandum dated 24.09.2020 decided the matter of granting honorarium for holding or officiating full duty-charge of higher post. The petitioner submitted a representation in pursuance of the said memorandum. The Board of Directors of Tripura MARKFED examined the representation of the petitioner and upon threadbare discussions in the meeting they decided to extend the benefit of full duty-charge at the rate of Rs.1,000/- per month to the petitioner w.e.f. 01.11.2020 i.e. after the decision of the Finance Department. The Managing Director in his impugned memorandum for recovery of the said amount which was paid to the petitioner as honorarium has not indicated that decision was approved by the Board of Directors of Tripura MARKFED. Moreso, Clause (k) of Chapter 1 of Service Rules of Tripura Apex Marketing Cooperative Society

Limited, Agartala, Tripura, applicable to the Tripura MARKFED clearly justifies the granting of honorarium to the petitioner.

**12.** In the above conspectus, the instant writ petition stands allowed. The respondents are directed to refund the recovered amount of Rs.28,000/- to the petitioner within a period of 30(thirty) days from today.

**JUDGE**

SAIKAT  
KAR

Digitally signed by  
SAIKAT KAR  
Date: 2023.09.21  
18:00:24 +05'30'

*Snigdha*

