

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.420 of 2022

Retired Employees Forum of Subordinate Judiciary, Tripura.

.....Petitioner

V_E_R_S_U_S

The State of Tripura & 13 Others.

.....Respondents

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate. Mr. K. Debnath, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. P. Gautam, Advocate. Mr. R. Datta, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

02/05/2023

Heard Mr. Somik Deb, learned senior counsel assisted by Mr. K. Debnath, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned G.A., Mr. P. Gautam, learned counsel and Mr. R. Datta, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India directing the respondents to transmit the records appertaining to this petition and further directing the respondents to forthwith implement the recommendations of the 6th Central Pay Commission, with effect from 01.01.2006 in favour of the members of the petitioner-association and thereupon make fixation of pension of the members of the petitioner association and thereafter, grant the arrears thereof along with the benefit of 7th Central Pay Commission recommendations on pension/family introduced by the State of Tripura.

The petitioner has prayed 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 certiorari and/or in the nature thereof, writ of certiorari and/or in the nature thereof, for directing the respondents, to

transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner.

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, for mandating/directing the respondents to forthwith implement the recommendations of the 6th Central Pay Commission, with effect from 01.01.2006, in favour of the members of the petitioner-association, & thereupon make fixation of pension of the members of the petitioner-association, and thereafter, grant the arrears thereof along with the benefits of the 7th Central Pay Commission recommendations on pension/family pensions introduced by the State of Tripura.

iii. 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, for mandating/directing the respondents, to forthwith implement the dearness relief on pension, in favour of the members of the petitioner-association, with effect from 01.01.2006 and onwards at Central Government rates.

iv. Call for the records appertaining to this petition.

v. After hearing the parties, be pleased to make the rule absolute in terms of i. to iii above.

vi. Costs of an incidental to this proceeding.”

The facts in brief are that initially, challenging the order dated 07.09.2021, passed by Hon’ble High Court of Gujarat, by which a prayer for direction to the State of Gujarat, to implement the Hon’ble Justice Shetty Commission’s Report in view of the order passed by the Hon’ble Apex Court, by granting the pay scale to non-judicial staff of subordinate Courts in the State of Gujarat, w.e.f. 01.04.2003 was made, which was declined for the period, after 31.12.2005 a Civil Appeal marked as Civil Appeal No.2943 of 2015 was filed before the Apex Court. For implementation of the recommendations of the Hon’ble Justice Shetty Commission, in respect of the staff of the subordinate judiciary, in tune with the judgment and order dated 16.03.2015, the Joint Secretary, Department of Finance, Government of Tripura issued a notification, whereby the benefits provided to the staff of the subordinate judiciary, under the modified pay structure w.e.f. 01.01.2006, under the Tripura State Civil Services (Revised Pay (12th Amendment) Rules, 2015, over the benefits already

allowed w.e.f. 01.04.2003, as per recommendations of the Hon'ble Justice Shetty Commission were allowed.

By this notification, allowances such as medical allowance, special allowance, travelling allowance and special pay shall also be admissible to the staff of the subordinate judiciary at the rates and conditions, applicable to the State Government employee in the equivalent ranks were accorded to the members of the subordinate judiciary. Thereafter, challenging the notification dated 10.09.2015 and inter alia praying for a direction, for applying the revised pay structure, in terms of the 6th Central Pay Commission, on the pay structure as introduced, pursuant to the recommendations of the Hon'ble Justice Shetty Commission and in conformity with the judgment and order dated 16.03.2015, one Shri Tarun Kumar Sinha had filed a writ petition, marked as WP(C) No.617 of 2015 and the same was disposed of subsequently.

In furtherance of the above judgment and order dated 31.08.2016, the Special Secretary, Department of Finance, Government of Tripura issued a notification thereby noting that the employees of the subordinate judiciary would be entitled to the allowances, in terms of the said judgment and order dated 31.08.2016 subject to the outcome of the Special Leave Petition, pending before the Apex Court.

Thereafter, in conformity with the observation and directions, contained in the judgment and order dated 31.08.201, the District and Sessions Judge, West Tripura Judicial District issued an order, thereby enumerating the allowances admissible under the 6th Central Pay Commission, thereby specifying that the benefits of such allowances would also be extended to those employees, who retired from service before or after 01.01.2006.

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

Having observed thus, without expressing any opinion on merits, the present writ petition stands disposed of affording liberty to the petitioner to make a proper representation before the respondents along with all relevant documents and information including judgments of the High Court and Apex

Court the petition is placing reliance upon wherein, such benefits have been extended to the petitioner(s) and on receipt of such representation, the respondents shall take a decision as expeditiously as possible on to this issue in accordance with law preferably within a period of one month from the date of receipt of the representation.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

HIGH COURT OF TRIPURA



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