

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.426 of 2022

Shri Jay Chaudhury,
son of Late Sunil Chandra Chaudhury,
aged about-50 years, resident of Sunil Villa,
Bhati Abhoynagar(West), Near Ration Shop No.9,
P.S.-West Agartala, P.O. & Sub-Division-Agartala,
District-West Tripura;

....Petitioner(s)

Versus

- 1. The State of Tripura**
Represented by its Secretary, Forest Department,
Government of Tripura, having its Office at New
Capital Complex, PO-Kunjaban, PS-New Capital
Complex, Agartala, District-West Tripura;
- 2. The Secretary,**
Finance Department, Government of Tripura, having
its Office at New Capital Complex, PO-Kunjaban,
PS-New Capital Complex, Agartala,
District-West Tripura;
- 3. The Principal Chief Conservator of Forest,**
Government of Tripura, having its Office at
Aranya Bhavan, Pandit Nehru Complex, Gurkhabasti,
PO-Kunjaban, PS-New Capital Complex, Agartala,
District-West Tripura, Pin-799006;
- 4. The Divisional Forest Officer, Working Plan Division No.II,**
Agartala, West District-Tripura.

....Respondent(s)

For the Petitioner(s)	:	Mr. S. Lodh, Advocate
For the Respondent(s)	:	Mr. D.C, Saha, Advocate
Date of hearing and delivery of judgment & order	:	06.07.2023
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

Heard Mr. S. Lodh, learned counsel appearing for the petitioner.

Also heard Mr. D.C. Saha, learned counsel appearing for the respondents-
State.

2. It is the case of the petitioner that he initially joined as Daily Rated Worker under the respondents in the year 1999 for doing Data Entry related work. His service had been regularized as Group-D employee vide order dated 30.07.2014 issued by Principal Chief Conservator of Forests, Tripura under the scheme of regularization prevalent at that relevant period of time.

3. Mr. Lodh, learned counsel for the petitioner has submitted that though the services of the petitioner was regularised as Group-D employee, but, his service has been utilized by the respondents as Group-C employee, because the post of Data Entry Operator is a post of Group-C. Mr. Lodh, learned counsel has drawn my attention to an office order dated 28.04.2020 wherein the petitioner had been assigned to perform his duties for maintaining all working plan related files and as on 28.04.2020 he would function as In-charge, Working Plan Section. It was further ordered that in addition he would take the charge of Store Section from Shri Dhrubajit Debbarma, UDC and maintain all files/register/records etc. related to Store Section.

In view of this, Mr. Lodh, learned counsel has claimed regular pay scale of the petitioner for utilizing his service as Group-C employee.

5. Mr. Saha, learned counsel for the respondents opposing the above submission of Mr. Lodh, learned counsel for the petitioner has drawn my attention to para 12 of the counter affidavit wherein it is stated that due to absence/shortage of regular clerical staffs, sometimes the petitioner had/has been allotted some work of different sections.

6. From the aforesaid submissions and statements, it is revealed that sometimes the service of the petitioner has been utilized as Group-C employee. The petitioner has categorically stated in his writ petition that since

his joining he has been discharging his duties and responsibilities as Group-C employee under the respondents. There is no denial on behalf of respondents that the service of the petitioner has been utilized as Group-C employee in terms of the office order dated 28.04.2020.

7. Considering all aspects, I direct the respondents to consider granting of minimum pay in the scale of pay applicable to Group-C employees, if his service is being utilized as Group-C employee permanently subject to the condition that his appointment as Group-D employee was made following the established norms of public employment as provided in Indian Constitution.

In the light of the above, the instant writ petition stands disposed.

JUDGE