

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 436 of 2023

Mrinal Kanti Majumder

---Petitioner(s)

Versus

The State of Tripura And 4 Ors

---Respondent(s)

For Petitioner(s)	: Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	: Mr. D. Sharma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

22.08.2023

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. D. Dharma, learned Addl.GA appearing for the state-respondent.

This is a petition under Article 226 of the Constitution of India filed by the petitioner seeking the following reliefs:

- (i) Rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction of like nature shall not be issued whereby directing the respondents to give the benefit of judgment & order dated 07.12.2018 passed by the Hon'ble High Court in WP(C)No.637 of 2017, WP(C)No. 638 of 2017 & WP(C) No.639 of 2017 and Order dated 02.12.2020 passed in WP(C) 389 of 2020 WP(C) 390 of 2020 & WP(C) 391 of 2020 to the petitioner herein.*
- (ii) Rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or Order or directing of like nature shall not be issued whereby directing the respondents to give benefit of pay scale of Rs.1450-3710/- to the petitioner, treating the petitioners in the Post of Surveyor in terms of ROP Rules, 1988, with all consequential incidental benefits including the arrear of pay and salary with interest @9% per annum.*
- (iii) Rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction of like nature shall not be issued whereby directing the respondents to re-fix the monthly pension, gratuity, leave encashment and other pensionary benefits treating the petitioner in the pay scale of Rs.1450-3710/- in terms of ROP Rules, 1988 and corresponding pay scale in terms of ROP-1999 and ROP-2009 & subsequent ROP Rules, with arrear pension and other benefits with interest @ Rs.9% per annum, w.e.f. the date of retirement of the petitioner.*
- (iv) Rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction of like nature shall not be issued whereby quashing and cancelling the letter, dated 10.03.2022, issued by the DDO & Head of Office, PWD (R&B), Agartala.*
- (v) Make the rule absolute.*
- (vi) Pass any other Oral orders as may be considered fit and proper by the Hon'ble High Court.*
- (vii) Award cost incidental to the writ petition.*

It is the case of petitioner that some similarly placed employees approached this court by way of filing writ petitions and orders have been passed in their favour. Accordingly, the benefits, which they have sought for, have been considered. On the same line, the petitioner also made a representation dated 27.01.2022 before the respondents, and the respondents have rejected the case of the petitioner by the letter dated 10.03.2022. The impugned rejection order does not indicate cogent reasons as to why the petitioner's case was rejected on merit.

In view of the same, the impugned order dated 10.03.2022 is set aside and the matter is remanded back to the respondents for reconsidering the case of the petitioner in accordance with law. Most particularly, if the similarly placed employees have been extended the benefits, there cannot be any discrimination against the petitioner. It is needless to mention here that such decision be taken within two months from the date of receipt of copy of this order.

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

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