

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.552 OF 2022**

Sri Suman Paul and ors.

..... Petitioner(s)

Vs.

The State of Tripura and ors.

..... Respondent(s)

For the Appellant(s) : Mr. Somik Deb, Sr. Advocate.
Mr. K. Debnath, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mrs. N.C. Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 11.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Article 226 of the Constitution of India seeking 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, shall not be issued, for directing them, to transmit the records, appertaining to this writ petition, lying with them for rendering substantive and conscionable justice to the petitioners, and for quashing/setting aside the impugned Offers of appointment(Annexure-6 supra) insofar as it grants a fixed monthly pay to he petitioners, and negating the past service rendered by the petitioners, regular pay scale, pay protection, i.e., counting the past services for the purpose of fixation of pay, leave encashment, leave salary, gratuity and all other all other admissible service benefits, including pension, in defiance of the directions, contained in the Judgment & Order dated 07.05.2014, the Judgment & Order dated 29.01.2020 & 20.05.2022(Annexure-12 & 13 respectively supra), and for quashing/setting aside the inclusion of the

petitioners in the National Pension Scheme vide the Memoranda (Annexure-11 supra).

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, shall not be issued, for mandating/directing them, to revoke/rescind the impugned Offer of Appointments(Annexure-6 supra) and thereupon, reckon the past services, rendered by the petitioners, while determining the seniority, regular pay scale, pay protection, i.e. counting the past services for the purpose of fixation of pay, leave encashment, leave salary, gratuity and all other admissible service benefits, including pension, as well as the arrears of salary and allowances, in conformity with the directions, contained in the Judgment & Order dated 07.05.2014, the Judgment & Order dated 29.01.2020 & 20.05.2022(Annexure-12 & 13 respectively supra), and for revoking/rescinding the inclusion of the petitioners in National Pension System vide the Memoranda (Annexure-11 supra);

iii. Call for the records appertaining to this writ petition;

iv. Costs of an incidental to this writ petition;

v. After hearing the parties, be pleased to make the Rule Absolute in terms of i. & ii. above;

vi. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

Heard Mr. Somik Deb, learned Sr. counsel assisted by Mr. K. Debnath, learned counsel appearing for the petitioners as well as Mr. D. Bhattacharjee, learned G.A. assisted by Mrs. N.C. Saha, appearing for the respondents.

It is seen from the record the petitioners herein submitted representations before the respondents agitating their grievances but the same are still pending.

In view of the same, without expressing any opinion on its merits, this present writ petition is disposed of with a direction upon the respondents to consider the case of the petitioners in accordance with law within a period of 3(three) months from the date of receipt of the copy of this order.

With the above observation and direction, this present writ petition stands disposed of. Stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

