

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 475 of 2023

Prabin Kumar Dey

---Petitioner(s)

Versus

The State of Tripura And 2 Ors

---Respondent(s)

For Petitioner(s)	: Mr. P Roy Barman, Senior Advocate. Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	: None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

02.08.2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by
Mr. S. Bhattacharjee, learned counsel appearing for the petitioner.

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

- (i) *Issue Rule calling upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to give the benefit of regular pay scale to the petitioner w.e.f 02.07.2015, on which date the petitioner joined in the post of Laboratory Attendant (Biological Science) by taking into account 5 years service rendered by the petitioner in the post of Laboratory Attendant along with ancillary and consequential, pecuniary and non-pecuniary benefits.*
- (ii) *Issue Rule calling upon the respondent to show cause as to why a Writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to modify the Office Order, dated 08.10.2020 issued by the Director, SFSL, Narsingarh, Tripura, wherein the Petitioner was granted regular pay scale w.e.f. 02.07.2020 instead of 02.07.2015.*
- (iii) *Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature, shall not be issued whereby quashing the letter, dated 14.07.2023, issued by the Deputy Secretary to the Govt. of Tripura, Home Department.*
- (iv) *Issue Rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby quashing the letter No.U.O No.498. Fin(Estt-III)/2023 dated 06.07.2023, issued by the O/o the Finance Department, Govt. of Tripura.*
- (v) *Make the rules absolute.*
- (vi) *Call for records.*
- (vii) *Pass any further order/orders as this Hon'ble High Court considered fit and proper.*

It is the case of the petitioner that he is in regular Govt. Service under the respondents w.e.f. 02.10.2009 to 01.07.2015, but after joining in the post of Laboratory Attendant (Biological Science) on 02.07.2015, the petitioner was placed on fixed pay service without having regular scale of pay and other allowances, which are admissible to the State Government Employees. As per policy decision of the respondents on completion of 5 years, a Governmental Employee, who is appointed on fixed pay basis against the post created keeping the regular time scale post in abeyance, is entitled to regular to all such appointees. In view of this, the petitioner became entitled to regular scale of pay from the date on which the petitioner joined as constable in regular pay scale alongwith the period served by him as Laboratory Attendant (Biological Science) on fixed pay basis.

Without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the representation dated 24.01.2022 made by the petitioner in accordance with law within a period of three months from the date of receipt of copy of this order. The petitioner is at liberty to provide all the relevant materials to the respondents, if so advised.

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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