

**HIGH COURT OF TRIPURA
AGARTALA**

Cont.Cas(C) No.124 of 2023

Sri Dilip Bhattacharjee

.....Petitioner(s)

Versus

Shri Brijesh Pandey and others

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharya, Sr. Advocate,
Mr. Soumyadeep Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

06/09/2023

Heard Mr. P. Roy Barman, learned senior counsel for the petitioner and Mr. Debalay Bhattacharya, learned senior counsel for the respondents.

2. The present petition was filed alleging non-compliance of the order dated 27.05.2022 passed in WP(C) No.460/2021. Petitioner approached this Court, as despite representations made, the directions regarding payment of increments were not carried out in the stipulated period of three months. A show cause/affidavit-in-opposition has been filed by respondent No.4. Para 4 thereof is extracted hereunder:

“4. That, with due respect, I say that, in-compliance of Hon’ble High Courts order dated-27.05.2022 passed in W.P(C)-460 of 2021 the Home Department, Government of Tripura has conveyed administrative approval to the Director General of Police, Tripura, Agartala vide Letter No.F.13(40)-PD/22/2415 dated-24.08.2023 and the same was communicated to the S.P(Procurement) vide PHQ Letter No.17652-53(3)/F.134/PC/PHQ/Case Matter/DB/23 dated-28.08.2023. Accordingly, the

S.P(Procurement) vide office order No.9405-12/F.Pension/DB/Esstt/Proc /2022 dated-29.08.2023, pay regularization/ fixation has been done in respect of Sri Dilip Bhattacharjee, Head Constable (Driver) now retired in comparison with pay of C/8467 Sambhunath Bhowmik for releasing increment in advance to fill up the gap by applying provision of FR 27 with prospective effect and no arrear benefits to be paid to the petitioner Sri Dilip Bhattacharjee.

Copy of Letter No.F.13(40)-PD/22/2415 dated-24.08.2023, Copy of Letter No.17652-53(3)/F.134/PC/PHQ/Case Matter/DB/23 dated-28.08.2023 and Office order No.9405-12/F.Pension/DB/Esstt/Proc/2022 dated-29.08.2023 are annexed herewith and marked as **Annexure-A and Annexure-B and Annexure-C respectively.**”

3. Mr. Debalay Bhattacharya, learned senior counsel for the respondents, submits that after sanction from the competent authorities, pay regularization/fixation in respect of the petitioner has been done by releasing an increment in advance to fill up the gap by applying provision of FR 27 with prospective effect. He further submits, by referring to paragraph 5 of the affidavit-in-opposition filed by respondent No.4, that all the benefits have already been released in favour of the petitioner after observing the relevant legal formalities. However, no arrear benefits are payable to the petitioner since such relief was not granted. Therefore, the contempt petition may be disposed of as the order has been complied with.

4. Mr. P. Roy Barman, learned senior counsel for the petitioner, submits that he does not have the latest instruction whether the actual monitory benefits have been disbursed to the petitioner or not.

5. Having considered the show cause/affidavit-in-opposition filed by respondent No.4, it appears to the Court that the order dated 27.05.2022 stands

complied with by releasing admissible payments in favour of the petitioner after sanction by the competent authority.

6. Accordingly, the instant contempt petition is disposed of.

7. In case the payments have not yet been fully released to the petitioner, those should be released within a period of 2(two) weeks from today.

(APARESH KUMAR SINGH), CJ

