

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

WP(C) No.503 of 2023

Smti. Arpita Das and Another

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura & 2 Others

.....Respondents

For Petitioner(s) : Mr. S. Dey, Advocate.

For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

22/08/2023

Heard Mr. S. Dey, learned counsel appearing for the petitioners also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India to grant one advance increment in favour of the petitioners under Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 and also for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura whereby, a decision has been taken to provide lump-sum benefit to teachers.

The petitioners have prayed for the following reliefs:

“i) Issue notice upon the Respondents.

ii) Call for the Records.

iii) Issue rule calling upon the respondents to show cause as to why the Petitioners shall not be given the benefit of one increment as per Rule 13(1)(ii) of the Tripura States Civil Services (Revised Pay) Rules, 2009 alongwith arrears of financial benefit.

AND

Issue Rule calling upon the Respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue Rule calling upon the Respondents to show cause as to why the Petitioners shall not be granted all financial benefits as per the Judgment and order dated 19th March, 2021 passed in W.P(C) No. 703/2019 by this Hon'ble High Court as upheld by the Ld. Division Bench in W.A No. 207/2021 (Annexure Sand 9 to the Writ Petition).

iv. And after hearing the parties, be pleased to make the rule absolute.”

The petitioner No.1 is serving as Post Graduate Teacher in Economics Subject and the petitioner No.1 completed B.Ed. on 28" December, 1998 i.e. the date of publication of result. The petitioner No.2 is serving as Post Graduate Teacher in English Subject and the petitioner No.2 completed B.Ed. on 21.12.2006 i.e. the date of publication of result. Thereafter the petitioner No. 2 received the offer of appointment as Post Graduate Teacher in English Subject on 30.03.2007 and accordingly joined in service w.e.f 1.8.2007 pursuant to the offer of appointment. Thereafter the petitioner No.2 was on fixed pay for a period of 5 years and after completion of 5 years service on fixed pay basis, the petitioner No. 2 was granted regular scale of pay vide memorandum dated 31.08.2012 w.e.f 01.08.2012. The petitioners completed their B.Ed. prior to entry into service and as such the petitioners crave leave of this Court to highlight Rule (13) 1 (ii) of the Tripura State Civil Services (Revised Pay) Rules 2009 which provides that those teachers who had obtained B.Ed. /UGBT before entry into service and have not got any other form of training incentive shall be provided with one increment in the pre- revised scale as incentive on 01.01.2006 or from the date of coming over of this rule or from the date of his appointment whichever is later. Upon completion of 5 year services as fixed pay employee from the respective date of initial engagement.

Therefore the said writ petitioners were held to be entitled to the increment under Rule 13(1) (ii) of the Rules of 2009. Accordingly this Court in the said writ petition directed that the writ petitioners would be entitled to one advance increment in terms of Rule 13(1) (ii) of the Rules of 2009 from the respective dates when they were brought over to the regular pay scales and directed for fixation notionally till filing of the Writ Petition from which date this Court directed payment of arrears of salary. Against the judgment and order passed in W.P.(C) No. 703 of 2019, The State of Tripura preferred appeal before the Ld. Division Bench which was registered as W.A. No. 207/ 2021. The learned Division Bench of this Court vide judgment and order dated 06.12.2022 dismissed the said appeal affirming the judgment of the learned Single Judge. The case of the petitioners is fully covered by the said Judgment.

Hence, the present petition has been preferred by the petitioners before this Court for redress.

In that view of the matter, without expressing any opinion on merits, the present writ petition stands disposed of directing the respondents to consider the case of the petitioners in the light of the representation dated 01.08.2023 submitted by the petitioners before the concerned authority within a period of three months from the date of receipt of the copy of this order, in accordance with law.

In terms of the above, the present petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

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