

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.534 of 2023**

Bindu Lal Das

Petitioner(s)

Versus

The State of Tripura & 02 Ors.

Respondent(s)

For Petitioner(s) : Mr.K.Nath, Advocate.

For Respondent(s) : Mr.D. Sarma, Addl. G.A

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

25.08.2023

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

- I. *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 directing the respondents to give one advance increment to the petitioner as per Rule 13(1)(ii) of Tripura State Civil Services (Revised Pay) Rules,2009.*
- II. *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 directing the respondents to grant training incentive in the form of one advance increment to the petitioner in terms of Note 2 appended below Rule 13(1)(v) of the Tripura State Civil Services (Revised Pay) Rules,2009.*
- 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 memorandum dated 06.07.2011, issued by the Dy. Secretary to the Govt. of Tripura.*
- 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 dated 21.06.2021, the Deputy Director, Directorate of Secondary Education, 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.*

[2] Heard Mr. K. Nath, learned counsel appearing for the petitioner. Also head Mr. D. Sarma, learned Addl. GA appearing for the respondents-State and perused the evidence on record.

[3] Mr. Nath, learned counsel for the petitioner submits that his client while ventilating his grievances before the respondents has submitted representation dated 12.04.2021 before the Director of Secondary Education, Govt. of Tripura but the same has been rejected vide letter dated 21.06.2021.

[4] On the other hand Mr. D. Sarma, learned Addl. GA appearing for the respondents submits that since the petitioner is a fixed pay employee therefore the petitioner is not entitled to get the benefit.

[5] On the contrary Mr. K. Nath, learned counsel placed reliance on 03(three) judgments passed by this court.

[6] It is seen from the record that upon application dated 12.04.2021 made by the petitioner, the respondent No.2 on 21.06.2021 has rejected the case. Being aggrieved thereby the present writ petition is filed and the petitioner has placed reliance on the judgment dated 23.11.2022 delivered in WP(C) 328 of 2021 with analogous matters.

[7] In view of the same, without expressing any opinion on the merits of the case, the matter is remanded back for re-consideration by setting aside the impugned proceedings dated 21.06.2021. Accordingly, the matter is remanded back.

[8] However, the Official-respondents are directed to consider the case of the petitioner afresh, if it falls within the ambit of the decision dated 23.11.2022 made by this court in WP(C) No. 328 of 2021 with analogous matters. In the event, if the case of the petitioner is not covered by the said judgment, the respondent shall pass a speaking order and communicate the same to the petitioner. It is needless to observe that such exercise shall be executed within a period of 03(three) months from the date of receipt of the copy of this order.

With the above observations and directions, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any also stand disposed of.

JUDGE

Paritosh

**SABYASACHI
GHOSH**

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