

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.536 of 2023

Sri Surajit Roy Nama and others

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate,
Mr. Kawsik Nath, Advocate.

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

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

30/08/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Kawsik Nath, learned counsel for the petitioners and Mr. D. Sarma, learned Additional Government Advocate for the respondents-State.

2. Petitioners No.1, 2 and 4 claim to have been working on the post of Junior Engineer (Civil) Grade-II and the other petitioners No.3 and 5 as Junior Engineer (Mechanical) Grade-II under the Department of Agriculture, Government of Tripura after being recruited under advertisement dated 01.07.2002 for more than 4(four) years by now. They have sought to make out a case that after completion of 4(four) years of service, they deserve to be designated as Junior Engineer Grade-I. They have relied upon the notification dated 08.07.1997 i.e. Annexure-9 which contains a Schedule of Amendment of Recruitment Rules for the post of Junior Engineer Grade-I & Grade-II under the Department of Agriculture, Government of Tripura. Specific reliance is placed upon Clause 10 of the Schedule which is extracted hereunder:

SCHEDULE

AMENDMENT OF RECRUITMENT RULES FOR THE POST OF
JUNIOR ENGINEER GRADE-I & GRADE-II UNDER THE
DEPARTMENT OF AGRICULTURE, GOVERNMENT OF TRIPURA

10. Method of Recruitment : 100% by Direct Recruitment through whether by Direct Recruitment the Tripura Public Service Commission. or by Deputation/Transfer and percentage of the vacancies to be filled up by various methods.
- Notes:
(i) Vacancies of Jr. Engineer (Degree holders) and Jr. Engineers (Diploma holders) will be combined.
(ii) Percentage of either Jr. Engineer (Degree holders) or Jr. Engineer (Diploma holders) will not at any point of Recruitment be less than 40% of the total recruitment in the grade of Jr. Engineer.
(iii) A Degree holder in Engineering of the concerned branch will be recruited directly as Jr. Engineer Grade-I.
(iv) A Diploma holder in Engineering of the concerned branch will be initially recruited as Jr. Engineer Grade-II and after completion of 4(four) years of service, he/she shall be designated as Jr. Engineer Grade-I.

3. Mr. P. Roy Barman, learned senior counsel for the petitioners, also referred to the advertisement of the year 2002 where in a footnote under Para 6 of the advertisement, also it was indicated that a Diploma holder in Engineering of the concerned branch will be initially recruited as Junior Engineer Grade-II and after completion of 4(four) years of service, he/she shall be designated as Junior Engineer Grade-I. These petitioners also relied upon the directions passed in case of other similarly situated Junior Engineer (Diploma) Grade-II such as Sri Suman Deb, an employee under the Rural Development Department, who approached this Court in WP(C) No.1099/2018. Reliance is placed upon the order dated 25.02.2020 passed in the said case at Annexure-19. Petitioners have submitted representation such as Annexure-15 to Annexure-18 in individual cases before the Director of Agriculture and Farmers Welfare, Government of Tripura, with a prayer for grade movement from Junior Engineer Grade-II to Junior Engineer Grade-I on completion of 4(four) years as

Junior Engineer Grade-II. However, since no action was being taken, they have approached this Court.

4. Mr. Barman, learned senior counsel for the petitioners, submits that for the present, it would suffice if a direction is issued upon the competent authority i.e. respondent No.2 to consider the representations of the petitioners in accordance with law within a timeframe.

5. Mr. D. Sarma, learned Additional Government Advocate for the respondents-State, submits that the matter has been taken up for the first time and as such, instructions are awaited. However, he submits that the Recruitment Rules concerning the Junior Engineers have undergone several amendments. As such, whether the petitioners are eligible and their case is ripe for re-designation to Junior Engineer Grade-I or not is to be examined by the competent authority in accordance with law, if so directed. However, no observation on merits may be made at this stage.

6. Considering the submission of learned counsel for the parties and taking into account the pleadings which have been referred to above, this Court at this stage, without expressing any opinion on the merits of the case, deems it proper to relegate the petitioners before the competent authority i.e. respondent No.2 for consideration of their representation in accordance with law. Accordingly, the competent authority/respondent No.2 would take a decision on the claim of the petitioners in accordance with law within a reasonable time; preferably 12(twelve) weeks from the date of receipt of the copy of this order.

7. The writ petition stands disposed of. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ