

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 649 of 2022

Shri Debabrata Palit

...Petitioner(s)

Vs

The State of Tripura and 2 Ors.

...Respondent(s)

For the Petitioner(s)	:	Mr. D.K. Biswas, Sr. Advocate Mr. K. Roy, Advocate
For the Respondent(s)	:	Mr. S.S. Dey, Advocate General Mr. K. De, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

20/01/2023

Heard Mr. D.K. Biswas, learned senior counsel assisted by Mr. K. Roy, learned counsel appearing for the petitioner. Also heard Mr. S.S. Dey, learned Advocate General assisted by Mr. K. De, learned Addl. GA appearing for the respondents-State.

This is a second round of litigation. In earlier round of litigation this Court had disposed of the writ petition being WP(C) No.860 of 2017 titled as Sri Debabrata Palit vs. The State of Tripura and 2 Ors with the following directions:

“12. This court is shocked to observe that how an officer can be allowed to continue in the deputation post for long 23 (twenty three) years. It cannot be believed that without the knowledge of the parent department he was appointed as the Assistant Project

Director (APD) on promotion with higher pay scale. Hence, the knowledge is deemed. In such circumstances, the parent department owes an obligation to protect the pay by releasing the additional increments notionally or by releasing the Grade pay. The parent department shall take the appropriate action after the Finance Department examined the matter on reference and having due regard to the observation made above. It is to be noted that the Finance Department shall take into consideration, the exceptional circumstances which has all ended the context and review their earlier decision.”

Mr. Biswas, learned senior counsel has submitted that after receipt of the judgment, the Government has decided that the basic pay of the petitioner would be at Rs.81,700/-. The learned senior counsel has also submitted that while calculating this amount, the respondents had not considered the information determining the basic pay structure of the petitioner by the District Magistrate & Collector, North Tripura District, Dharmanagar wherein certain calculations have been made and it was projected that the basic pay of the petitioner as on 01.07.2019 would be Rs.84,600/- [Level 12, Cell-24].

It is apparent that the respondents while considering the correspondence dated 4th July, 2020 did not indicate anything about any wrong in the calculation made by the District Magistrate & Collector, North Tripura. The respondents also did not satisfy as to why this calculation as indicated in the letter dated 4th July, 2020 by District Magistrate & Collector, North Tripura would not be provided to the petitioner. Furthermore, the State-authorities i.e. the respondents while considering the fixation of pay of the petitioner ought to have kept in mind the direction of this Court that the

parent department owes an obligation to protect the pay by releasing the additional increments notionally or by releasing the Grade Pay.

Learned Advocate General appearing for the State-respondents has submitted that a direction may be passed upon the respondents to relook into the matter and pass a fresh direction in the line of the observations made by this Court here-in-above and also the computation made by the District Magistrate & Collector vide correspondence made dated 4th July, 2020.

The entire exercise shall be completed within a period of 1 (one) month from today.

With the aforesaid observations and directions, the instant writ petition stands allowed and thus disposed of.

JUDGE

Snigdha



सत्यमेव जयते