

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.562 of 2023

Sri Sanjib Karmakar

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. Kohinoor N Bhattacharyya, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

12/09/2023

Heard Mr. Dipjyoti Paul, learned counsel for the petitioner and Mr. Kohinoor N Bhattacharyya, learned counsel for the respondents-State.

[2] Petitioner is aggrieved as 12 of his juniors have been promoted vide notification dated 30th September, 2021 [Annexure-8] issued by the Additional Secretary & Director, Home (Fire & Emergency Services), Government of Tripura, Agartala. Thereafter, even after representation made by the petitioner dated 30th December, 2022, 11 more persons have been promoted to the post of Junior Operator (Control Room) (Group –C) vide order dated 13th January, 2023 [Annexure-11] though they are not junior to the petitioner. Fireman is the feeder cadre of Junior Operator under the Directorate of Fire & Emergency Services. Petitioner claims to be eligible and has been in service since the year 2000. He was confirmed for the post of Fireman on 01.01.2003, as per the seniority list dated 25th June, 2021 where his name appears at Sl. No.140. He is B.Com. Private respondent Nos.8 to 18 appear after him but they have been promoted. Petitioner has fulfilled the requirement of 10(ten) years of continuous of service as Fireman and minimum qualification of Class-X. The Joint Director, Fire & Emergency Services,

Tripura, Agartala through a message dated 29th December, 2022 [Annexure-9] invited options from the Fireman possessing eligibility criteria for *ad hoc* promotion to the post of Junior Operator (Control Room) pursuant where to the petitioner submitted a willingness vide representation dated 30th December, 2022 stating that he has completed 22 years of service and his academic qualification is B.Com. Thereafter, again 11 Fireman have been promoted vide notification dated 13th January, 2023 [Annexure-11] but the case of the petitioner has not been considered. Therefore, the petitioner has made representation before the Director, Home (Fire & Emergency Services) Department, Tripura, Agartala on 18th July, 2023 [Annexure-13] but without any response. He has again made representation on 1st August, 2023 [Annexure-14] to the same authority. On 11th August, 2023, the petitioner has made representation before the Special Secretary & Director, Home (Fire & ES) Department, Government of Tripura [Annexure-16] but to no avail. Petitioner has also referred to his representation dated 18th July, 2013 [Annexure-3] earlier on completion of 10(ten) years of service for being considered for promotion to the post of Junior Operator (Control Room). Therefore, he has been compelled to approach this Court.

[3] Mr. Dipjyoti Paul, learned counsel for the petitioner, submits that the respondents may be asked as to why the notification dated 30th September, 2021 be not quashed and the petitioner be promoted from the date anterior to the date on which his juniors have been promoted.

[4] Mr. Kohinoor N Bhattacharyya, learned counsel for the respondents-State submits that since the matter has been taken up at the first instance today, the instructions are still awaited on the merits of the contention of the petitioner. Since the petitioner has already approached the competent

authority with representations, at this stage the matter may be disposed of with a suitable direction to the competent authority/respondent Nos.3 & 6 to consider and decide the representation of the petitioner in accordance with law.

[6] On consideration of the rival submissions of the parties and the bare foundational facts taken note of from the pleadings of the writ petition with its supporting annexures, this court at this stage is not inclined to enter into the merits of the matter since the petitioner has already approached the competent authority/respondent No.3-the Additional Secretary, Home (Fire & Emergency Services) Department, Government of Tripura and respondent No.6-The Director, Fire & Emergency Services, Government of Tripura for redressal of his grievances. The competent authority/ respondent No.6-The Director, Fire & Emergency Services, Government of Tripura shall take a decision on his representation in accordance with law within a period of 8(eight) weeks from the date of receipt of copy of this order.

[7] It would be made clear that this court has not made any observations on merits of the case. Accordingly, the instant petition is disposed of.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ