

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 589 of 2023

Sri Kartik Debbarma and 2 Others

---Petitioner(s)

Versus

The State of Tripura and 4 Others

---Respondent(s)

For Petitioner(s)	: Mr. C. S. Sinha, Advocate.
For Respondent(s)	: Mr. D. Bhattacharjee, GA. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

25.09.2023.

Heard learned counsel for the parties.

This is an application under Article 226 of the Constitution of India seeking following reliefs:

- (a) *Admit the petition;*
- (b) *Call for records;*
- (c) *Issue writ in the nature of Mandamus calling up the respondent to show cause as to why the pay anomaly of petitioners with the respondent No.4 and 5 should not be removed and re-fix pay the petitioners at least at par with that of respondent No.4 and 5.*
- (d) *Issue writ in the nature of Certiorari calling upon the respondents to show cause as to why the order in letter dated 18.01.2022 should not be declared unjustified and result of non-application of mind.*
- (e) *Pass any other order/order(s) which this Hon'ble Court shall deem fit and proper in this case.*

It is the case of the petitioners that the petitioners and respondent No.4 and 5 joined as Senior Instructor in the same department of Industries and Commerce, Govt. of Tripura. They joined service in the year 1997 under the same selection of appointment. In 2002 the petitioners were promoted to the post of Superintended/Foreman but respondents No.4 and 5 did not get

promotion and therefore, they were given the benefit of ACP-I under ROP, 2009. On the date of receipt of ACP-I, the fixation was held and the pay of respondent No.4 and 5 became higher by Rs.80 per month. After 17 years of service when benefit of ACP-2 was given to the petitioners and the respondent No.4 and 5, it was noticed that a gap of Rs.110 had arisen between the pay of the petitioners and the respondents No.4 and 5. The petitioners represented for getting their pay at par with the pay of respondents No.4 and 5. That apart, the petitioners being in higher pay with higher responsibility cannot get less than the juniors in the lowest post. Aggrieved by the said action of the respondents, the petitioners have approached this court for seeking reliefs.

Without expressing any opinion on the merits of the case, the official respondents are directed to consider the case of the petitioner in the light of the communication dated 19.10.2022 and also in the light of the judgment passed by the Division Bench of this Court in WP(C) 251 of 2018 along with other matters vide judgment and order dated 16.03.2022. It is needless to mention here that the official respondents are to consider the case of the petitioner within a period of three months from the date of receipt of copy of this order in accordance with law.

In view of the above, the instant writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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