

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.648 of 2021

For Petitioner(s) : Ms. R. Purkayastha, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

10/03/2023

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioner has prayed for the following reliefs:

i. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus or in the nature thereof shall not be issued thereby directing the respondents to direct the respondents to modify the Tripura Jute Mills Employees (Revised Pay) Rules, 1999 (in short TJME ROP, 1999) at per the 3rd, 4th, 5th and 6th Revision of Pay of the State of Tripura adopted by all the 32 undertakings in compliance with the order dated 25.10.2016 passed by the Hon'ble Apex passed in Civil Appeal No.10411 of 2016.

ii. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus, and/or in the nature thereof shall not be issued thereby directing the respondents to make full and final payment of the arrears of salary along with available market rate of interest for the post of Commercial Officer @ Rs.1200-1900/- and thereafter upgrade to Rs.1400-2350/- as par 1st Tripura Pay Revision, Rs.21000-2600/- at par 2nd Tripura Pay Revision, Rs.4000-140-4700-150-5900/- at par 3rd Tripura Pay Revision, Rs.14150-450-20,000/- at par 4th Tripura Pay Revision and Rs.37,400-67,000/-+Grade Pay Rs.8,700/- at par 5th Tripura Pay Revision for the period w.e.f. 01.01.2003 to till his promotion to the post of Commercial Manager.

iii. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof directing the respondents to undertake the notional fixation of his pay scale for the period with effect from 17.09.1987 to 01.01.2003 in original to Rs.1400-2350/- at par 1st Tripura Pay Revision, Rs.2100-2600/- at par 2nd Tripura Pay Revision, Rs.4000-140-4700-150-5900/- at par 3rd Tripura Pay Revision, Rs.14150-450-20,000/- at par 4th Tripura Pay Revision.

iv. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus or in the nature thereof shall not be issued thereby directing the respondents to make full and final payment of the arrears of salary, along with available market rate of interest, of the post Commercial Officer Grade-II @Rs.800-50-1050-60-1530/- at par 1st Tripura Pay Revision and subsequent pay Revisions i.e. Rs.1200-60-1380-65-1900-100-2100/- upgraded of Rs.3300-100-3500-100-4000-110-5100-120-5700/- and Rs.11150-375-18275 at par 3rd & 4th Tripura Pay Revision for the period w.e.f. 16.09.1987 to 31.12.2002.

v. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus or in the nature thereof shall not be issued thereby directing the respondents to make full and final payment of the arrears of salary, along with available market rate of interest, of the post of Commercial Manager from the date of promotion till retirement at par the 4th, 5th and 6th Revision of Pay scale.

vi. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus or in the nature thereof, shall not be issued thereby directing the respondents, to recalculate the retiral benefits of the petitioner and release the amount accordingly along with available market rate of interest.

vii. Call for the records appertaining to this petition.

viii. Costs of and incidental to this proceeding.”

The case of the petitioner is that the petitioner had been selected and interviewed for the post of Commercial Officer, but he had been appointed to the lower post of Commercial Officer Grade-II. Being aggrieved, the petitioner approached the Hon’ble Gauhati High Court (Agartala Bench) by filing writ petition vide WP(C) No.454 of 2005 which had been disposed of on 18.04.2007 with a direction to retrospectively appoint the petitioner to the post of Commercial Officer in the pay scale of Rs.1400-2350/- with effect from 17.09.1987.

Thereafter, in pursuance to the judgment passed by the Court, by memo dated 16.05.2008, the respondents had appointed the petitioner as Commercial Officer in the pay scale of Rs.1400-2350/- (pre-revised) w.e.f. 17.09.1987 and had made notional fixation of his salary in the pay scale. The pay scale of the officers and employees of the Tripura Jute Mills was same as

that of their corresponding counterparts in all other 32 organizations/public sector undertakings/statutory bodies/Boards under the Government of Tripura as well as the employees of the Government of Tripura, till the Second Revision of pay.

But the anomaly cropped up from the third revision of pay and thereafter the subsequent pay scale revisions resulting to the deprivation of the employees/officers of TJML from the benefits of 4th Revision of Pay. Faced with such discrimination and step motherly attitude, the Tripura Jute Mills Officers Association had approached the Gauhati High Court, Agartala Bench, by filing the Civil Rule No.139 of 1997 which has been dismissed by the Court. On being aggrieved by the decision of the Court, again writ appeal No.74 of 2003 has been filed and the Court allowed the writ appeal by setting aside the judgment passed in Civil Rule-139 of 1997 and had given the direction to the respondent, State of Tripura to treat the employees of the TJML as per the employees of all other 32 organizations.

Thereafter, the Government of Tripura approached the Hon'ble Apex Court by filing SLP(C) No.20837 of 2011 and Civil Appeal No.10411 of 2016 which had been dismissed by the Apex Court. In spite of specific direction of the Apex Court, the Government of Tripura had paid the arrears and salary on the basis of the stale and revoked Tripura Jute Mills Employees (Revised Pay) Rules, 1999 which has become null and void after pronouncement of the judgment of the Hon'ble Apex Court as this TJME (Revised Pay) Rules, 1999 has not been framed as per the 4th ROP of the State of Tripura and subsequent revisions which has been adopted by all the 32 organizations. Due to payment of arrears of salary on the basis of this stale ROP, the petitioner had been paid much lesser amount than the amount he is legally entitled to. Hence, the present writ petition has been filed by the petitioner.

In view of above, it is crystal clear that the petitioner has submitted representation to the respondent-authorities and also placed relevant

documents in respect of his grievance, but, in vain. Prima facie, this Court feels that it would not be proper on the part of the respondents to sleep over on the representation particularly the representation dated 07.06.2021 filed by the petitioner.

As such, without expressing any opinion on the merits, this Court is of the considered opinion that ends of justice would be met if the writ petition is disposed of directing the respondents to consider the representation of the petitioner particularly, representation dated 07.06.2021 within a period of three months from the date of receipt of the copy this order.

In that view of the above, the present writ petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)

A. Ehash



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