HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.726 of 2022

Sri Ramendra Sinha & Another

.....Petitioners

V_E_R_S_U_S

The State of Tripura & 2 Others.

.....Respondents

For Petitioner(s)	:	Mr. A. Bhowmik, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_ R_ D_ E_ R_

27/04/2023

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioners. Also heard Mr. D. Bhattacharjee, learned G.A., assisted by Mr. S. Saha, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India directing the respondents to grant one advance increment in favour of the petitioners under Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 and also for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Govt. of Tripura whereby a decision has been taken to provide lumpsum benefit to the teachers who obtained B.Ed. training prior to entry into the service.

The petitioners have prayed for the following reliefs:

> i. Issue notice upon the respondents.
> ii. Call for the records.
> iii. Issue rule calling upon the respondents to show cause as to why the petitioners shall not be given the benefit of one increment as per Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009.
>
> ***AND***
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> Issue rule calling upon the respondents to show cause as to wh y the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.
>
> ***AND***
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> Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted all arrears of financial benefit pursuant to prayer above.
> iv. After hearing the parties, be pleased to make the rule absolute."

The facts in brief are that the to grant one advance increment in favour of the petitioners under Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 and also for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Govt. of Tripura whereby a decision has been taken to provide lumpsum benefit to the teachers who obtained B.Ed. training prior to entry into the service. The petitioners further raised grievance regarding violation of Rule-13(1) (ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009.

Further, the petitioners state that the petitioners were on fixed pay for five years as per government policy but the petitioners were appointed against sanctioned posts carrying regular pay scale. Therefore, the decision to deny the increment to the petitioners on the ground of petitioners being on fixed pay for a period of five years is illegal and this Court in the judgment and order dated 19.03.2021 passed in W.P.(C) No.703 of 2021 has clearly held that those entering into service with B.Ed. were entitled to the benefit of one increment as per Rule-13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009.

Hence, the present petition has been filed by the petitioners before this Court for redress.

Having considered the submissions advanced by the learned counsel appearing for both the parties, without expressing any opinion on merits, the present writ petition stands disposed of directing respondents to consider and dispose of the case of the petitioners in the light of the representations filed by the petitioners in the year 2022 before the respondents, in accordance with law within a period of three months from the date of receipt of the copy of this order.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh