

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 648 of 2023

Sri Subrata Das and 3 others **Petitioner(s)**

Versus

State of Tripura and 3 others **Respondent(s)**

For Petitioner(s)	:	Mr. PK Pal, Advocate. Mr. S Datta, Advocate. Ms. Maitri Majumder, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharya, G.A. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

10.10.2023

Heard Mr. PK Pal, learned counsel as well as Mr. S. Datta, learned counsel and Ms. Maitri Majumder, learned counsel appearing for the petitioners. Also heard Mr. D. Bhattacharya, learned Government Advocate appearing alongwith Mr. S. Saha for the State-respondents.

[2] The present petition has been filed under Article 226 of the Constitution of India to implement/extend the benefits of Tripura State Civil Service (in short TSCS) (Revision of Pay) Rules, 2009 (pay revised under Pay Bands & Grade Pay Structure followed by the F.D's letter dated, 30.05.2009, under reference no.- F.6(5)-FIN(PC)/2009/239 and under letter dated, 20.07.2010 issued by the Joint Secretary, Finance Department, Government of Tripura, appraising all the executive officers of the PSU's/Co-Op Bank(s)/Apex Co-Op Marketing Societies/ Autonomous Organizations etc. for providing revised pay structure to their employees in the form of Pay-Band (PB) & Grade Pay (GP) under TSCS (ROP) Rules- 2009 and its time to time modification/amendment and its consequential benefits. And further to extend the benefits of TSCS (ROP) Rules, 2017 w.e.f. 01.04.2017 and ROP Rules, 2018 w.e.f. 01.10.2018 under Pay Matrix Structure along with arrears of Salary & Allowance and Pensionary benefits.

[3] By filing the instant writ petition, the petitioners herein have sought for the reliefs, which is quoted hereunder:

"i. Admit the petition.

ii. Call for the Records.

iii. Issue rule calling upon the respondents to show cause as to why not the benefits of TSCS (ROP) Rules, 2009 (pay revised under Pay-Band & Grade-Pay structure) w.e.f. 01.01.2006 followed by the F.D's letter dated, 20.07.2010 (Annexure 4) including its time-to-time modified and amended benefits as well as the benefits of revised pay (under pay-matrix system) under TSCS ROP 2017 w.e.f. 01.04.2017 & ROP 2018 w.e.f. 01.10.2018 respectively be extended in favour of the instant petitioners including all arrears of pay & allowances arisen w.e.f. 01.01.2006.

AND

iv. Issue rule calling upon the respondents to show cause as to why not revoked, dismissed & setting aside the copies of the office order dated, 06.06.2023 issued by the respondent no-2 & the office order dated, 30.06.2023 issued by the respondent no-3 enclosing all its annexures as note no 20 & 21 and impugned judgement & order dated, 04.01.2021 in W.A. 133 of 2020 (Smt. Mamata Singha Ray Vs. State of Tripura & Ors) & the judgement & order dated, 29.04.2022 in W.P.(C) 240 of 2020, obtained by the respondents in their favour by submitting fake, inaccurate, untrue and misleading the Hon'ble High Court of Tripura referring by which the petitioners demand notices turned down the legitimate demands made in demand notices dated, 30.05.2023....."

[4] Mr. PK Pal, learned counsel appearing for the petitioners argues before this Court that the case of the petitioners is squarely covered by the order dated 24.01.2020 passed in W.P.(C) No.16 of 2018 which is affirmed by order dated 04.01.2021 in the W.A. No.133 of 2020. He submits that the case of the petitioners is also covered by the order dated 29.04.2022 passed in W.P.(C) No.240 of 2020. Petitioners by filing this petition, sought for setting aside the abovementioned orders as prayed for. He further contends that the other reliefs as sought for in this writ petition be also granted in favour of the petitioners.

[5] During the argument, Mr. D. Bhattacharjee, learned G.A. for State-respondents has drawn attention to the reliefs sought for by the petitioners in the instant writ petition wherein, the petitioners are seeking for setting aside the order of the Hon'ble Division Bench dated 04.01.2021 passed in W.A. No.133 of 2020 affirming the order dated 24.01.2020 passed in W.P.(C) No.16 of 2018 and the order of the Hon'ble Single Judge dated 29.04.2022 passed in W.P.(C) No. 240 of 2020 and he contends that the instant writ petition is not maintainable in the eye of law. He, therefore, prays to dismiss the writ petition.

[6] It is perused from record that the petitioners by way of filing this present writ petition have sought for granting relief by setting aside the order dated 04.01.2021 passed in W.A. No.133 of 2020 affirming the order dated 24.01.2020 passed in W.P.(C) No.16 of 2018 and the order dated 29.04.2022

passed in W.P.(C) No. 240 of 2020. The petitioners are not parties either in the writ nor writ appeal which they are seeking to set aside. It is settled proposition of law that by way of filing one writ petition, the order passed in another writ petition cannot be set aside by this Court more so, when an order is passed in writ appeal, as the petitioners herein have not made out as case as to how they are aggrieved by the order passed in WA No. 133 of 2020 affirming the order passed in W.P.(C) No.16 of 2018 and the order passed in W.P.(C) No. 240 of 2020. The petitioners are not the parties either in the writ petition or in the writ appeal, they have referred. In view of the above, this Court feels that the writ petition is absolutely misconceived and it is abuse of process of law.

Accordingly, the writ petition is liable to be dismissed and ordered with cost amounting to Rs.10,000/- to be paid to the account of the Tripura High Court Bar Association within a period of one month from the date of receipt of the copy of this Order.

A copy of this order be marked to the President, Tripura High Court Bar Association.

As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE



Sabyasachi G.

**SABYASACHI
GHOSH**

Digitally signed by SABYASACHI
GHOSH
Date: 2023.10.13 16:30:41 +05'30'