

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 651 of 2023

Smt. Sudipa Debnath and 3 Ors.

---Petitioner(s)

Versus

The State of Tripura and 2 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. S. Dey, Advocate.
For Respondent(s)	: Mr. D. Sharma, Addl.GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

12.10.2023

Heard Mr. S. Dey, learned counsel for the petitioners. Also heard Mr. D. Sharma, learned Addl. GA appearing for the state-respondents.

This is an application under Article 226 of the Constitution of India seeking 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 alongwith arrears of financial benefit.*

And

Issue rule calling upon the respondents to show cause as to why memorandum dated 6th July, 2021 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted all financial benefits as per the judgment and order dated 19th March, 2021 passed WP(C) 703 of 2019 by this Hon'ble High Court as upheld by the Ld. Division Bench in WA 207 of 2021 as well as judgment and order dated 23.11.2022 passed in WP(C) 469 of 2021 and the judgment and order dated 31.07.2023 passed in Review petition no.24 of 2023.

After hearing the parties, being satisfied, make the rule in terms of (iv) and (v) absolute.

- (iv) *And after hearing the parties, be pleased to make the rule absolute.*

And/or

- (v) *Pass and other order/orders as deemed fit and proper by this Hon'ble Court.*

The brief facts of the petitioners is that the petitioners have urged this court for directing the respondent to grant one increment in favour of the petitioners for the B.Ed training undergone by the petitioners prior to entry into the service as per Rule 12(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioners further seek a writ of certiorari for setting aside the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura whereby a decision has been taken to provide lumpsum benefit to the petitioners in lieu of increment under Rule 12(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009 on the ground that the petitioners were on fixed pay for a period of 5 years after entry into service. The petitioners further raised grievance regarding violation of Rule 13(1)(ii) of the Tripura State Civil Services (Revised Pay) Rules, 2009. Thereafter, the selection and appointment of the petitioners was set aside by the Ld. Division Bench of this Court in WP(C) 51 of 2014 titled in Tanmoy Nath versus The State of Tripura. While setting aside the selection and appointment the Hon'ble High Court had however are being set aside get appointed in the fresh selection process, they will be entitled to get their service counted for all purpose. The judgment of the Hon'ble High Court was challenged before the Hon'ble Supreme Court of India by the State of Tripura but the judgment passed by this Court was upheld with some modifications. The Finance Department, Government of Tripura issued a memorandum on 6th July, 2011 whereby it was provided that the fixed pay employees do not come under the purview of revision of pay rules and therefore the teachers who completed the B.Ed prior to entry

into service are entitled to lump sum benefit and not the increment as provided under the Rules. The said memorandum dated 6th July, 2011 is contrary to the rules of 2009 as Rule 13(1)(ii) of the Rules of 2009 clearly provides that a teacher entering into service with B.Ed/UGBT training are entitled to one increment.

It is seen from the record, that the petitioners made a representation dated 27.09.2023 to the official respondents to grant the petitioners increment under Rule 13(1)(ii) of TSCS(RP) Rules, 2009. According to the respondents, the respondents have not acted upon such representation till date.

Aggrieved by the said action of the respondents, the petitioners have approached this Court for seeking reliefs.

In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in accordance with law in the light of the representation dated 27.09.2023 within a period of three months from the date of receipt of copy of this order.

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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