

**HIGH COURT OF TRIPURA**  
**AGARTALA**

**WP(C) 770 OF 2022**

**Rakhal Chakraborty & 30 Ors.Vrs. State of Tripura & 3 Ors.**

**Present:**

For the petitioners : Mr. P. Roy Barman, Sr. counsel  
Ms. A. Debbarma, Advocate.

For the respondents : Mr. M. Debbarma, Addl. G.A.

**HON'BLE MR.JUSTICE ARINDAM LODH**

**25.07.2023**

**Order**

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioners. Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents.

The petitioners by filing this writ petition have prayed for following reliefs:

*“Under the circumstances stated herein above, it is humbly prayed that the Hon’ble High Court would be kind enough to:*

- (i) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to implement the resolution adopted by the Board of Directors, TSIC Ltd., in its 197<sup>th</sup> meeting, held on 20.06.2011, to the effect, that, Fixed pay employees would be regularized and they would be given the benefit of notional fixation of their regular scale of pay with effect from the date of their initial joining.*
- (ii) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to give the Petitioners benefit of notional fixation at the time of regularization of their service in regular pay scale, vide Memorandum, dated 15.12.2012, w.e.f. the date on which each of the Petitioners joined under TSIC Ltd.*
- (iii) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the Respondents to implement the resolution adopted by the Board of Directors, TSIC Ltd., in its 197<sup>th</sup>*

*meeting, held on 20.06.2011, regarding giving the benefit of notional fixation to the Petitioners, which was reiterated by the Board of Directors in its 227<sup>th</sup>, 231<sup>st</sup> & 233<sup>rd</sup> meetings subsequently.”*

Mr. Roy Barman, learned senior counsel has drawn my attention to the resolution of 233<sup>rd</sup> meeting of Board of Directors of Tripura Small Industries Corporation Limited held on 10.12.2020, wherein it was resolved that—

*“It has been decided in the meeting that the long pending problem/deprivation of notional fixation of 68 Nos. employees now existing 60 Nos. employees of TSICL is to be solved by the Managing Director, TSICL in respect of availability of own sources fund.*

*(Action: M.D.,TSIC)”*

The said decision also reiterated in 234<sup>th</sup> meeting of the Board of Directors of TSICL held on 21.08.2021, wherein it was resolved that—

*“It has been decided in the meeting that the long pending problem/deprivation of notional fixation of 68 Nos.(now 58 Nos.) employees & workers of TSICL is to be solved by the Managing Director, TSICL in respect of availability of own sources fund.”*

It is further held in the said meeting that –

*“The BOD discussed the issue elaborately and agreed to propose the benefit and taken decision to initiate a detailed Note to the Department of I & C, mentioning that TSICL will not require any additional fund for extending the benefit of notional fixation of pay from the date of respective joining dates of employees & workers, TSICL and cash pay/salary benefit will be provided from the date of receipt of concurrence of Finance Department, Govt. of Tripura. The related file is to be sent to the Department of I & C for getting approval from the Finance Deptt., Govt. of Tripura positively.”*

Mr. Roy Barman, learned senior counsel appearing for the petitioners has submitted that till today there is no implementation of the decision taken by the Board of Directors of TSICL. The same matter of

granting notional fixation of their regular scale of pay is pending since 2011.

Considering the nature of dispute, I direct the respondents to consider the implementation of the decisions referred to here-in-above, taken by the Board of Directors, TSICL unanimously within a period of 6 (six) months from the date of receipt of a copy of this order.

Accordingly, the instant writ petition stands disposed as indicated above.

**JUDGE**

SANJAY GHOSH

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Date: 2023.07.25 16:55:24 +05'30'

