

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.815/2022

Sri Kanchan Datta Chowdhury, S/O. Late Paritosh Datta Chowdhury,
Amarpur, Arabinda Palli, P.O. Amarpur, P.S.-Birganj, District-Gomati,
Tripura, PIN-799101.

..... Petitioner(s).

V E R S U S

1. The State of Tripura, to be represented by the Secretary to the
Government of Tripura, Department of Agriculture, Secretariat Building,
New Capital Complex, Agartala-799010.

2. The Director of Agriculture, Department of Agriculture and Farmer's
Welfare, Old Secretariat Complex, Akhaura Road, Agartala-799001.

3. The Superintendent of Agriculture, Amarpur Agri-Sub-Division,
Amarpur, District-Gomati, PIN-799101.

.....Respondent(s).

For Petitioner(s) : Mr. Soumen Saha, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Date of hearing and judgment: **29th May, 2023.**

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

Heard Mr. Soumen Saha, learned counsel appearing for the
petitioner and Mr. Mangal Debbarma, learned Addl. Government Advocate
appearing for the respondents.

2. Petitioner's only grievance is that after promotion his salary has not been properly fixed as there is not even an increase of single rupee in his salary. He was appointed on 02.12.1987 as Agri-Assistant and is on the verge of retirement on 30.09.2023. Though the petitioner did not get any promotion for long but he was getting pay benefits as per Government Policy and his roll of basic pay was Rs.62,600/- at the time of being promoted to the post of Agri-Inspector vide order dated 15.02.2022. The petitioner was promoted (Sl. No.19) along with 440 others on Ad-hoc basis to the post of Agri-Inspector/Horti Inspector/Compost Inspector (TAFS Grade-II) in the scale of pay of Rs.5,700-24,000/- with Grade Pay of Rs.4,200/- + usual allowances. It was also indicated that Ad-hoc promotion of the incumbents shall remain, subject to final outcome of the SLP(C) No.28306 of 2017 and other Special Leave Petitions pending before the Apex Court.

3. Mr. Soumen Saha, learned counsel for the petitioner, submits that on the order of promotion, there are four different categories of employees, some of whom have just become eligible to get promotion after 10 years of service and those employees were at the roll of basic pay of Rs.24,000/-; whereas the second category of employees who got promotion were at the roll of basic pay of Rs.31,200/-; the third category of the

employees who got promotion were at the roll of basic pay of Rs.57,300/- and the last category of the employees i.e. the senior most Agri-Assistants including the petitioner, who got promotion as Agri-Inspectors, were at the roll of basic pay of Rs.62,600/-. The respondents have fixed the present pay of the promoted employees whimsically without following the Pay Fixation Norms. According to the petitioner, his present basic pay should have been fixed at Rs.1,00,500/- but has been kept at Rs.62,600/- even after promotion which is much less. As such, he was compelled to approach this Court with a prayer to direct the respondents No.1 to 3 to pay him the correct salary in his correct pay scale with allowance for the post of Agri-Inspector with effect from the period of February, 2022 as per calculation chart at Annexure-3.

4. The respondents have appeared and filed their counter affidavit. At paragraph-4 they have contested the plea of the petitioner and made the following statement:

"That, in reply to para 1 to 6 of the writ petition, I say that according to the service book of the petitioner, he had joined in service on **02.12.1987** in the pay scale of Rs.430-850/- which was subsequently revised to Rs.3300-7100/- under ROP Rules, 1988. The date of birth of the petitioner is recorded as **19.09.1963** in the service book and accordingly, the petitioner will be retired on superannuation on **30.09.2023**, not 31.10.2023 as stated in the writ petition.

After completion of 10 years of service without promotion the petitioner was allowed first graded scale treated as CAS-I on 02.12.1997 in the scale of Rs.4000-7890/- under ROP Rules, 1999, and subsequently in the graded scale of Rs.4200-8650/- w.e.f. 02.12.2004. The pay of the petitioner has been fixed of Rs.5280/- as per the provision of Rule 10 of ROP Rules, 1999 and thereafter, benefit of 3rd ACP under ROP Rules, 2009 has been given in the Pay Band-2, pay scale of Rs.5310-2400/- with Grade pay of Rs.2100/- (pre revised). Subsequently, the petitioner also got benefit under Pay band-2, pay scale of Rs.5700-24000/- with Grade pay of Rs.4200/- as per the ROP Rules, 2015 (12th Amendment of ROP-2009). Finally, the petitioner has got promotion in the post of Agri. Inspector under TAFS Grade-II on Ad-hoc basis in the same scale and Grade pay w.e.f. 15.02.2022 as the petitioner already availed the same Grade pay in same scale and his pay has been fixed as per ROP Rules, 2017 and subsequent amendments. So, there is no anomaly in pay fixation of the petitioner.

Copy of relevant documents for movement of pay scales in respect of the petitioner is annexed herewith and marked as ANNEXURE-R/1."

5. Learned counsel for the respondents-State submits that the promotion to the post of Agri-Inspector under TAFS Grade-II on Ad-hoc basis is in the same scale and Grade Pay w.e.f. 15.02.2022 as the petitioner had already availed the same Grade Pay in same scale as per ROP Rules,

2017 and subsequent amendments. So, there is no anomaly in pay fixation of the petitioner.

6. Learned counsel for the petitioner submits that the calculation of the admissible pay of the petitioner is in the domain of the concerned department and his grievances may be directed to be redressed in an appropriate manner.

7. On consideration of the pleadings on record and rival submissions of the parties, it appears that the petitioner has from time to time been granted upgradation as CAS-I on 02.12.1997 after completion of 10 years of service in a scale of Rs.4000-7890/- in terms of ROP Rules, 1999 and thereafter in the graded scale of Rs.4200-8650/- w.e.f. 02.12.2004. The petitioner's pay was fixed at Rs.5280/- as per Rule 10 of ROP Rules, 1999 and he has also got the benefit of 3rd ACP under ROP Rules, 2009 in Pay Band-2 in the pay scale of Rs.5310-2400/- with Grade Pay of Rs.2100/- (pre revised). Petitioner has subsequently got the benefit of Pay Band-2 in the pay scale of Rs.5700-24000/- with Grade Pay of Rs.4200/- as per the ROP Rules, 2015. Now, that he has got Ad-hoc promotion in the post of Agri-Inspector under TAFS Grade-II w.e.f. 15.02.2022, petitioner is already

in the same Grade Pay in the same scale as per pay fixation under ROP Rules, 2017 and its amendments.

8. In the aforesaid background and chronology of facts, since the pay fixation is in the domain of financial experts of the concerned department and petitioner has not been able to explicitly show any case of discrimination or arbitrariness in the pay fixation, this Court is not inclined to grant any relief in such matter.

9. Accordingly, the writ petition is dismissed.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.05.30
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