

**HIGH COURT OF TRIPURA**

**\_A\_G\_A\_R\_T\_A\_L\_A\_**

**WP(C) No.766 of 2021**

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| For Petitioner(s) | : | Mr. Somik Deb, Sr. Advocate.<br>Mrs. R. Chakraborty, Advocate. |
| For Respondent(s) | : | Mr. D. Bhattacharjee, G.A.<br>Mr. D. Sarma, Addl. G.A.         |

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**HON'BLE THE CHIEF JUSTICE (ACTING)**

**\_O\_R\_D\_E\_R\_**

**10/03/2023**

Heard Mr. Somik Deb, learned senior counsel assisted by Mrs. R. Chakraborty, learned counsel appearing for the petitioners. Also heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioners have prayed for the following reliefs:

- i. Issue rule calling upon the respondents and each one of them, to show cause as to why a writ of certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioners.
- ii. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, for mandating/directing the respondents, to strictly adhere to the directions, contained in the judgment and order dated 25.06.2019 (Annexure-19 supra), and dispose of the representations dated 05.08.2019, 19.03.2020, 16.07.2021 and 04.08.2021 (Annexure-20 supra), by including the post of Labour Inspector, Department of Labour, Government of Tripura as a Group-A feeder post, for promotion thereof, to the post of Tripura Civil Services, Grade-II under the Tripura Civil Service Rules, 1967 (as amended from time to time).
- iii. . Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to include the post of Labour Inspector, Labour Department, Government of Tripura as a Group-A feeder post, for promotion thereof to Tripura Civil Services, Grade-II.
- iiia. Issue rule calling upon the respondents and each one of them to show cause as to why a writ of certiorari and/or in the nature thereof, shall not be issued, for quashing/setting aside the impugned notification dated 23.12.2021 (Annexure-28 supra).

iiib. . Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to revoke/rescind the impugned notification dated 23.12.2021 (Annexure-28 supra), and thereupon undertake a fresh exercise for promotion to the post of TCS Grade-II, thereby, including the petitioners in Group-A of the TCS Rules.

iv. Issue rule, calling upon the respondents and each one of them to show cause as to why a writ of prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting the respondents from carrying out any selection process, to the post of Tripura Civil Service, Grade-II under the Tripura Civil Service Rules, 1967 (as amended time to time), till the inclusion of the post of Labour Inspector, Department of Labour, Government of Tripura as a Group-A feeder post, for promotion thereof, to the said post of Tripura Civil Service, Grade-II.

v. In the Ad-interim, and thereafter, on hearing the parties, in the interim, and order in terms of relief (iv) above,

vi. Call for the records, appertaining to this writ petition.

vii. After hearing the parties, be pleased to make the rules absolute in terms of (i) and (v) above.

viii. Costs of and incidental to this proceeding.”

The facts in brief are that vide the memorandum dated 07.02.2009, the petitioners were appointed to the post of Labour Inspector under the Labour Directorate, Government of Tripura. Vide the memorandum dated 27.12.2016, the Labour Commissioner, Government of Tripura, Labour Directorate, drew up a seniority list of the Labour Inspectors. By Notification dated 18.01.2002, Recruitment Rules for the post of Labour Inspector under the Labour Directorate, Government of Tripura was framed.

For conducting the Tripura Combined Competitive Examination for recruitment to miscellaneous posts, the TPSC has issued a Guidelines, specifying the requisite essential qualification for appointment to the post of Labour Inspector, Panchayat Extension Officer, Panchayat Officer, Organizer and Instructor, Government of Tripura. Vide Tripura Civil Services (29<sup>th</sup> Amendment) Rules, 2012 the post of Labour Inspector under the Labour Department, Government of Tripura has been placed in Group-B category,

whereas, the post of Co-operative Inspector, Co-operative Department, has been placed in Group-A category.

For redress of the grievances, on 25.02.2017, some of the Labour Inspectors had filed a representation, to the Labour Commissioner, Government of Tripura. Assailing the categorization of posts, a batch of writ petitions were presented by the petitioners and other similarly situated persons and the said writ petitions fell for consideration, before this Court and the said writ petitions were disposed of by a common judgment and order dated 25.06.2019. After passing of the said judgment and order dated 25.06.2019 in strict conformity thereof, the petitioners had submitted a representations dated 05.08.2019. Since, no action in furtherance of the said representation dated 05.08.2019 was taken out by the respondents, thereafter the petitioners submitted representations on 19.03.2020, 16.07.2021 and 04.08.2021. Hence, this present petition has been filed by the petitioners.

In view of above and after interacting with the learned counsel appearing for the parties and perusal of the judgment and order of this Court relating to same issue, it is agreed by both sides that the present writ petition is covered by a judgment and order passed by the Division Bench of this Court in WP(C) No.907 of 2017 and others dated 25.06.2019 and in the light of the same, the present writ petition is also disposed of. Registry is directed to enclose a copy of the above mentioned judgment and order along with this order.

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

**CHIEF JUSTICE (ACTING)**

*A. Ghosh*