

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.834 of 2022

Sri Jayanta Chakraborty and 5 Others.

.....Petitioners

V_E_R_S_U_S

The State of Tripura & 2 Others.

.....Respondents

For Petitioner(s)	:	Mr. B. Paul, Advocate.
For Respondent(s)	:	Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

27/04/2023

Heard Mr. B. Paul, learned counsel appearing for the petitioners.
Also heard Mr. K. De, learned Addl. G.A. appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India for directing the respondents to provide the petitioners benefits of 3rd ACP after further 08 years of continuous and satisfactory service in the service career of the petitioners w.e.f. 01.01.2014 as per Tripura State Civil Service (Revised Pay) Rules, 2009.

The facts in brief are that the petitioner Nos.1 to 6 were appointed in service on 14.05.1987, 11.06.1986, 04.02.1987, 04.07.1988, 02.07.1988 and 18.05.1990 respectively to the post of Overseer (re-designated as Junior Engineer-II) under the Public Works Department on recommendation of the TPSC in the scale of 600-1440/- vide office order dated 24.08.1987 and 31.03.1986 as per the then existing Tripura State Civil Services (Revised Pay) Rules, 1982.

Similarly, the petitioners were born under the said rules as the same was in force at the time of joining of the petitioners in the service. The TSCS (Revised Pay) Rules, 1988 was published on 16.09.1988 as per its addendum dated 30.03.1989 as issued by the Finance Department it was

provided that the designation of the existing overseer shall be JE Gr. II which is the post of Gr. V (B) in the revised pay scale of Rs.1450-3710/-. Accordingly, the petitioners were re-designated as JE Gr-II/Gr-V(B). The said addendum dated 30.03.1989 further provided that a JE Gr. II (Diploma holder) after completion of four years of service shall be designated as a FE Gr.I which is Gr. V(A) post in the revised scale of Rs.2000-4410/-. Subsequently, the petitioners were accordingly, designated in the requisite pay scale. This was followed by memorandum dated 07.12.1992 as issued by the Finance Department.

In view of the same, the existing pay scale of TES Gr. V (A) has been revised from Rs.2000-4410/- to Rs.2100-4530/- w.e.f. 01.04.1993, whereby the existing pay scale of the petitioners were re-fixed. In this regard, the petitioners are entitled to get 2nd ACP on completion of total 17 years of service along with the next available grade pay i.e. GP-6600/- but, without changing the earlier Pay Band Scale as per Rule-10 of the Tripura State Civil Service (Revised Pay) Rules, 2009 as on 01.01.2006 and similarly the petitioners also become eligible to get 3rd ACP on 01.01.2014 i.e. on completion of 8 years service. In the service career with next available Grade pay i.e. GP-7000/- but, without changing the earlier pay scale as per Rule-10 of the rules, 2009.

The State respondent preferred an appeal to the aforesaid writ petition namely, WA. No.218 of 2021 which was dismissed in *limine* vide judgment dated 17.08.2021. The petitioners filed representations enclosing the said judgment but the State respondents did not consider the same and also not provided with any benefits to the petitioners.

Hence, the present petition has been preferred by the petitioners before this Court for redress.

Having considered the submissions advanced by the learned counsel appearing for both the parties, without expressing any opinion on

merits, the present writ petition stands disposed of directing respondents to consider and dispose of the case of the petitioners in the light of the representations seeking service benefits, filed by the petitioners before the respondents within a period of three months from the date of receipt of the copy of this order, in accordance with law.

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

JUDGE

A. Ghosh

HIGH COURT OF TRIPURA



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