

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.784 of 2021

For Petitioner(s) : Mr. A. Bhowmik, Advocate.
Mr. S. Dey, Advocate.
For Respondent(s) : Mr. B. Majumder, Deputy SGI.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

17/03/2023

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioners. Also heard Mr. B. Majumder, learned Deputy SGI appearing for the respondents.

The petitioners have prayed for the 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 granted the benefit of ACP-II in the pay scale of Rs.11,000-18,000/- (now revised to Rs.13,575-37,000/-) w.e.f. the date of completion of 17 years of service from the date of grant of regular pay scale i.e. w.e.f. 30.09.2009 along with all arrears of financial benefits.

AND

Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted pay protection upon promotion to the post of Asstt. Engineer (Electrical) vide notification dated 07.01.2023 in terms of the above prayer upon grant of ACT-II w.e.f. 30.09.2009.

AND

Issue rule calling upon the respondents to show cause as to why the respondents shall not be mandated to initiate fresh pension proposal for the petitioners on the revised last basic pay upon grant of ACP-II w.e.f. 30.09.2009 and pay protection upon promotion to the post of Asstt. Engineer.

iv. And after hearing the parties be pleased to make the rules absolute.”

The case of the petitioner is that the petitioner sought for ACP-II from the date of completion of 17 years of continuous and satisfactory service from the date of grant of regular pay scale i.e. 30.09.2009 along with all arrears

of financial benefits. The petitioners seek enforcement of their statutory right to get the benefit of ACP-II upon the completion of 17 years of continuous service under Rule-10 of TSCS (RP) Rules, 2009 along with all arrears of financial benefits.

Thereafter, they pay scale for the post of Junior Engineer (Degree Holder) (Grade-I) was enhanced to Rs.2100-4530/- and accordingly, the petitioners were also granted the said scale of Rs.2100-4530/- but subsequently, the State respondents sought to cancel the said pay scale of Rs.2100-4530/- and accordingly, the petitioners had no other alternative but, to approach the Hon'ble Gauhati High Court, Agartala Bench by filing writ petition being WP(C) No.100 of 1999. By order dated 11.03.1999 the Hon'ble Gauhati High Court (Agartala Bench) restrained the respondents from reducing the pay scale of the petitioners. Thereafter, the final judgment and order dated 25.09.2007 was passed in WP(C) No.100 of 1999 holding that on recommendation of the finance department, Government of Tripura, regular Junior Engineer, Degree Holder, Grade-I were provided enhanced scale of Rs.2100-4530 and accordingly, the petitioners are also entitled to the said scale of Rs.2100-4530/-.

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

In view of above, without expressing any opinion on merits, the present writ petition stands disposed of directing the petitioners to approach before the respondents and represent their matter along with all relevant documents. Since, the matter pertains to financial benefits of the petitioners; the respondents are directed to consider the case of the petitioners in accordance with law within a period of three months from the date of receipt of the copy of this order.

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

CHIEF JUSTICE (ACTING)