

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.858 OF 2021**

Sri Gautam Kumar Saha and ors.

.....Petitioner(s)

Vs.

The State of Tripura and ors.

.....Respondent(s)

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. K. Chakraborty, Advocate.

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

Date of hearing and delivery of
Judgment & Order : 11.04.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE (ACTING)

JUDGMENT AND ORDER(ORAL)

The brief fact of this case is that on 03.12.1982, 02.09.1981, 02.12.1982, 08.07.1987, 06.11.1987, 04.03.1981, 01.04.1982 and 07.08.1985 the petitioners were appointed to the posts of Draftsman Grade-III, PWD, Government of Tripura, in the pay scale of Rs.560-1,300/-, with effect from 01.01.1986. The petitioners were re-designated as Jr. Draftsman and were granted the pay scale of Rs.1,300-3,200/- as per the ROP Rules, 1988. Vide several Judgments & Orders dated 27.04.2005,

19.08.2013, and 07.12.2018, passed by this Court, the similar & equivalent posts of Draftsman i.e. Jr. Surveyor, were granted the pay scale of Rs.1,450-3,710/-, w.e.f. 01.01.1986. The petitioners submitted representations for granting them the pay scale of Rs.1,450-3,710/-, w.e.f. 01.01.1986, in parity with the Jr. Surveyor. But vide memorandum dated 03.03.2021, the same were rejected by the respondents.

2. Aggrieved thereby, the petitioners have filed this present writ petition praying 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 Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned Memorandum dated 03.03.2021(Annexure-10 supra);

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, mandating/directing them to fix the pay scale of the petitioners, in the pay scale of Rs.1,450-3,710/-, with effect from the date, when the Tripura State Civil Services(Revised Pay) Rules, 1988 came into force (i.e., w.e.f. 01.01.1986), and thereupon, to grant the pay scale of Rs.1,7000-3,980/- as the 1st scale up-gradation and completion of 10 years of service as per the Tripura State Civil Services (Revised Pay) Rules, 1988, pay Scale of Rs.6,500-12,300/- as CAS-II on completion of total 17 years of service as per the Tripura State Civil services(Revised Pay) Rules, 1999 & pay scale of Rs.9,570-30,000/-(with Grade pay of Rs.3,500/-) on completion of total 24 years of service as per the Tripura State Civil Services(Revised Pay) Rules, 2009, and to release all the consequential benefits flowing therefrom along with arrears thereof.

iii) Call for the records, appertaining to this Writ Petition;

iv) After hearing the parties, be pleased to make the Rules absolute in terms of (i) & (ii) above;

v) Costs of any incidental to this proceeding.

vi) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

3. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. K. Chakraborty, learned counsel appearing for

the petitioners as well as Mr. M. Debbarma, learned counsel appearing for the respondents.

4. Mr. P. Roy Barman, learned Sr. counsel appearing for the petitioners submits that non-grant of the pay scale of Rs.1,450-3,710/- with effect from the 01.01.1986, in favour of the petitioners has grossly violated the constitutional rights of the petitioners. Further, the non-grant of the said benefit has also resulted in the reduction of the subsequent benefit. Learned Sr. counsel further urged that his case is supported by several Judgment and Orders of this Court.

5. Heard both sides and perused the evidence on record. The petitioners are directed to file representation before the respondents ventilating the merits of their grievances and their entitlement in the light of the Judgments and Order of this Hon'ble Court which are passed in their favour and all other relevant information in support of their case. On receipt of the same, the respondents shall examine the matter and pass a reasoned order as expeditiously as possible preferably within a period of 3(three) months from the date of receipt of such representation from the petitioners.

6. Further it is needless to observe that the memorandum bearing reference No.F.3(3)-PWD(E)/2020/17718-804 dated 03.03.2021 is an un-reasoned

order and this Court feels that the respondents should pass a speaking order with regard to their decision taken and the same should be communicated to the petitioners herein, and the same is directed herein.

7. With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)



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