

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 878 of 2021

Sri. Rajit Bhattacharjee,

S/o-Lt. Debabrata Bhattacharjee, R/O- Bhati Abhoy
Nagar Paschim Para, Near Ration Shop No.-09,
Agartala, P.O- Agartala,
District – West Tripura, Pin-799001

---Petitioner(s)

Versus

1. The State of Tripura

(To be represented by The Secretary
Department of Higher Education,
Government of Tripura, New Secretariat Complex,
P.S- New Capital Complex, P.O-Kunjaban, Agartala,
West Tripura, Pin-799006.

2. The Director of Higher Education,

Government of Tripura, Akhaura Road,
Agartala, P.O- Agartala, P.S- West Agartala,
District-West Tripura, Pin-799001.

3. The Principal, Tripura Institute of Technology,

P.O-Bimanghar, P.S-Airport,
District-West Tripura, Pin-799009

4. The Secretary, Finance Department,

Government of Tripura, P.S- New Capital Complex,
P.O- Kunjaban, Agartala, West Tripura, Pin- 799006

---Respondent(s)

For the Petitioner(s)	:	Mr. Samarjit Bhattacharjee, Advocate
For the Respondent(s)	:	Mr. D. Sarkar, Advocate
Date of hearing & Delivery of Judgment & Order	:	27.04.2023
Whether fit for reporting	:	Yes

HON'BLE MR. JUSTICE ARINDAM LODH

JUDGMENT & ORDER (ORAL)

By means of filing the present writ petition, the petitioner has prayed for the following reliefs:-

- "I) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to give effect the benefit of regularization w.e.f. 01.07.2008 with actual financial benefit in compliance with the Judgment and Order dated, 12.04.2018, passed in WPC No. 50/2015 and to release the arrear payments with 9% interest.*
- II) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to act in compliance with the order, dated, 16.06.2020, issued by the Joint Director of Higher Education and to release all arrears of financial benefits in consequence of the regularization of the Petitioner in the post of LDC, w.e.f. 01.07.2008 to 06.03.2020.*
- III) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to modify the Memo dated, 31.08.2021, issued by the Director of Higher Education, so far the Petitioner is concerned by giving actual financial benefit to the Petitioner w.e.f. 01.07.2008, instead of notional fixation for the period of 01.07.2008 to 06.03.2020.*
- IV) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to upgrade the Petitioner in a higher post in comparison with his higher qualification in terms of the memorandum, dated, 04.07.2018, issued by the Under Secretary to the Govt. of Tripura, Finance Department.*
- V) Make the rules absolute.*
- VI) Call for records.*
- VII) Pass any further Order/Orders as this Hon'ble High Court considered fit and proper."*

2. I have heard Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Sarkar, learned counsel appearing for the State-respondents.

3. The case of the petitioner is that he was first appointed as Daily Rated Worker (for short, “DRW”) under the respondents in the year 08.04.1994. While the petitioner was working as DRW, the Government of Tripura had introduced a Scheme for regularisation of DRW/Casual/Contingent workers[here-in-after referred to as “Scheme, 2008”], who had completed 10(ten) years of service as on 31.03.2008 under Memorandum dated 01.09.2008, wherein, it was decided that all DRW/Casual/Contingent workers, who have completed 10(ten) years of service as on 31.03.2008, would be regularized if they fulfill the following criteria:-

“No.F.10(2)-FIN(G)/2008(Part)
GOVERNMENT OF TRIPURA
DEPARTMENT OF FINANCE

Dated, Agartala, the 1st September, 2008

MEMORANDUM

Subject: Regularization of services of DRWs/Casual/Contingent Workers on completion of 10 years of service as on 31-03-2008

*The undersigned is directed to inform that the Government has taken a policy decision to regularize services of full-time DRWs/Casual/Contingent Workers who have completed **10 (ten) years** of service as on **31-03-2008** and fulfill the following criterion as per Department-wise names and particulars attached herewith:*

- i) DRW/Casual/Contingent workers who were engaged on a full time basis in different Departments with or without concurrence of Finance Department and have completed **10 years** of service as on **31-3-2008** other than Permanent Labourers, Part-time workers, Anganwadi Workers and Helpers, Home Guards, Teachers and Workers engaged under SSA and*

other Schemes/programmes, may be considered for regularizations as per names attached.

ii) Requirement of age as per Recruitment Rules will be deemed to be relaxed for the purpose of this regularization.

iii) Requirement of educational qualification as per Recruitment Rules will be deemed as relaxed for regularization under Group-D only. In case of DRW/ and Contingent Workers who were appointed under Group-C category, educational qualification as required under concerned R.R. must be ensured while entertaining their cases for regularization.

*iv) Except age and educational qualification mentioned in point (iii) all other criterion as per relevant Recruitment Rules **including reservation roster** will have to be followed strictly for this process of regularization.*

*v) Subject to fulfillment of above conditions, the eligible workers will be provided pay scale in the relevant grade for their regularization which will take **effect from 1st July 2008.***

4. It is the case of the petitioner that he had fulfilled all the criteria, as stated above, but despite that, the respondents did not regularize his service compelling him to approach this Court by way of filing a writ petition, being numbered as WP(C) 50 of 2015, which was disposed of vide order dated 12.04.2018 in the manner as under:-

“17. On comparison of the said judgment dated 04.03.2016 and other materials as placed in the present writ petition, it appears that the facts are identical and as such it can be declared that this writ petition is covered by the judgment dated 04.03.2016, where it has been observed thus:

“17. From the rival contentions, the following questions fall for consideration viz.:

i) Whether the source of engagement as the casual workers of the petitioners and the regularized persons are different to stand out the necessary classification for purpose of denying of regularization of the petitioners?

ii) Whether the petitioners are also eligible to be regularized under the memorandum dated 01.09.2008, as amended from time to time and the memorandum dated 03.01.2014?

18. This court does not have any hesitation after scrutiny of the records to hold that the source of engagement of the petitioners and said Dipak Das is same and as such on that respect there cannot be any differentiation as made by the respondents. But that may not provide the necessary corollary to hold that the petitioners are entitled to be regularized under the memorandum dated 01.09.2008 as amended from time to time or under the memorandum dated 03.01.2014. In this regard, this court is again persuaded to hold that for all purposes as it emanates from the records so produced by the Principal or Head of the office, Tripura Institute of Technology, formerly Polytechnic Institute and as those clearly establish that the petitioners and Dipak Das were working as the casual worker in the same source i.e. of the Polytechnic Institute now Tripura Institute of Technology having being engaged as the casual workers before 31.03.2003. They have completed 10(ten) years of service as required. The respondents did not label their engagements as illegal or against the constitutional scheme of the public employment. Their solitary ground for not regularizing the petitioners is that they were working under the Community Polytechnic Scheme. It appears that the fund was provided for running the Community Polytechnic, but the casual workers were not solely working in the scheme and they have also working under the Tripura Institute of Technology, formerly Tripura Polytechnic Institute. So it appears from the communication dated 03.09.2012, Annexure-P/15 to the writ petition, where it has been categorically stated that: "So the cases of such employees of TIT Narsingarh considered may kindly be considered also along with others. All the above employees are hard working and essentially required for Tripura Institute of Technology."

19. The benevolent scheme for regularization of such casual workers cannot be frustrated by the technical approach of this nature, rather, it should be read liberally else there would be great injustice. Hence, it is necessary that the petitioners are considered for regularization under the scheme as reflected by the memorandum dated 01.09.2008 read with the memorandum dated 03.01.2014 as stated.

20. It has clearly transpired that the petitioners have always been treated as the casual worker of Polytechnic Institute, now the Tripura Institute of Technology and their services were accordingly realised. Still they are so working. Even similarly

circumstanced person, namely Dipak Das who has been regularized, was also the casual worker of the Community Polytechnic. Thus, the difference as had been made between Dipak Das and the petitioners is not based on intelligible differentia for purpose of relegating the mandate under Article 14 of the Constitution of India. Hence, in the considered opinion of this court, the petitioners are entitled to be considered by the respondents for regularization under the memorandum dated 01.09.2008, as amended from time to time.

21. Having held so, the respondents are directed to consider the regularization of the petitioners in terms of the memorandum under No.F.10(2)-FIN(G)/2008(Part) dated 01.09.2008 (Annexure-R/1 to the counter-affidavit filed by the respondents) read with the memorandum dated 03.01.2014 (Annexure P18 to the writ petition) and such consideration shall be made within a period of 3(three) months from today, in supersession of the communication dated 01.07.2014 (Annexure-P/23 of the writ petition).

22. In the result the writ petition is allowed to be extent as indicated above. There shall be no order as to costs.”

18. Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents has submitted that the state will have no objection for extending the similar consideration, as directed by this court in Sajal Kar and Ors. vs. The State of Tripura and Ors. (supra). However, Mr. Debbarma, learned Addl. G.A. has reiterated that since the petitioner was a casual worker under the Centrally Sponsored Scheme, the memorandum dated 21.01.2009 will have no application in the context. Hence, it is urged to dismiss the writ petition.

19. Having scrutinized the records and the judgment dated 04.03.2016 in particular this court is of the view that the petitioner is entitled to get the similar direction as made in Sajal Kar and Ors. (supra). In terms of the memorandum No.F.10(2)-FIN(G)/2008(Part) dated 01.09.2008 read with the memorandum dated 03.01.2014 it is directed that the petitioner shall be extended similar consideration within a period of 3(three) months from the date when the petitioner shall submit a copy of this order.

20. In the result, this writ petition stands allowed to the extent as indicated above.”

5. The respondents preferred an intra-Court appeal before the Division Bench of this Court which was numbered as WA 62 of 2018. There were two other writ appeals, which were heard together and the Division Bench after hearing the learned counsel for the parties, dismissed the writ appeals upholding the order of the learned Single Judge.

6. Since the appointment order of the petitioner was not issued, the petitioner had filed a contempt application (Annexure-15, Page-50 to the writ petition). However, during the pendency of that contempt application the respondents had appointed the petitioner on regular basis under Memorandum dated 05.02.2020, but, pay scale was granted prospectively. It is pertinent to mention herein that the contempt application was disposed of vide order dated 09.02.2021. The relevant portion of the order dated 09.02.2021 is necessary to be noticed, which is reproduced here-in-under:-

“The respondents had appointed the petitioner by the memorandum dated 01.02.2020 prospectively and as such, this proceeding under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution has been sought to be initiated. But, in view of the intra office communication dated 16.06.2020, which has been made part of this record, the said regularization, by way of appointment in the post of LDC, has taken effect from 01.07.2008 and that has been vouched by the Director of Higher Education.

In view of that exposition, this court does not find any material to draw a contempt proceeding against the respondents. Accordingly, this proceeding stands closed”

7. The learned judge while disposing the contempt application had made a reference to intra-office communication dated 16.06.2020, which is extracted here-in-below for ready reference:-

***“Government of Tripura
Directorate of Higher Education
Establishment (N.G) Section***

No.F.7(343)-DHE/NG/2019/2804 Dated, Agartala, the 16/06/2020

*To
The Principal,
Tripura Institute of Technology,
Narsingarh, Tripura West.*

Subject:- Requirement of due-drawn statement and summary of revised financial Implication of the Casual Workers.

Sir,

In pursuant to the judgment order of the Hon’ble High Court of Tripura arising upon W.P(C) of 50/2015 dated 12-04-2018, W.P(C) of 229/2015 dated 04-03-2016, W.P(C) of 140/2016 dated 02-12-2016 & W.A. No.62/2018 dated 09-07-2019 regarding the service benefit of the following casual workers who were regularized to the post of Group-C & D under the Education (Higher) Department including Sri Subhrateza Choudhury and other 06(six) casual workers to examine the extension of regular scale benefit, the Department is in need of due-drawn statement.

As such, you are hereby requested to furnish the due-drawn statement and summary of revised financial implication of all the following employees by way of calculation as per the circular of Finance Department dated 01-09-2008 regarding pay regularization w.e.f. 1st july 2008 to till date.

Sl. No.	Name of the casual workers with designation	Date of engagement	Completion of 10 years service	Remarks
01	02	03	04	05
1.	Sri Subhra Teza Choudhury	15.04.97	14-04-2007	N.B:- Calculation

2.	Sri Kaushik Bhattacharya, LDC	08.04.94	07-04-2004	shall be done w.e.f. 1 st july 2008 to till date
3.	Sri Rajit Bhattacharjee, LDC	08.04.94	07-04-2004	
4.	Sri Sajal Kar, LDC	16.05.94	15-05-2004	
5.	Sri Uttam Das, Group-D	29.05.97	18-05-2007	
6.	Sri Biplab Datta, Group-D	01.02.91	31-01-2001	

*The required due-drawn statement and summary of revised financial implication shall have to be submitted within 05 working days from the date of receipt of the letter. The matter may be treated as **MOST URGENT.***

(D. Debbarma)

*Joint Director of Higher Education
Tripura”*

8. Thereafter, the competent authority of the respondents had issued a memorandum dated 31.08.2021, wherein it was decided to allow service benefit in favour of some of the employees including the petitioner by way of extending notional fixation w.e.f. 01.07.2008 to 06.03.2020 (Annexure-19, Page-58 to the writ petition). The said Memo. dated 31.08.2021 may be reproduced here-in-below, for convenience, in *extenso*:-

**“Government of Tripura
Education (Higher) Department
Establishment (N.G) Section**

No.F.7(343)-DHE/NG/2019(L)/2302

Dated, Agartala, the 31/08/2021

M E M O

*In pursuant to the judgment & order passed by the Hon’ble
High Court of Tripura arising upon No.F.155 of 2019 of dated*

09.02.2021 in connection with providing service benefit to the following 05(five) employees who were regularized in Govt. service on 07.03.2020 & 10.03.2020 to the post of Group-C(LDC) & Group-D as per common judgment order in W.P(C)229 of 2015 dated 04-03-2016, W.P(C)140 of 2016 dated 02-12-2016 & W.P(C)50 of 2015 dated 12-04-2018. The Department has decided to allow service benefit of the employees by way of extending notional fixation as mentioned against each in col.no.04.

Sl.No.	Name of the employees with designation and present place of posting	Date of joining in regular Govt. Service	Service benefit by notional fixation from
01	02	03	04
1.	Sri Rajit Bhattacharjee, LDC, TIT, Narsingarh	07.03.2020	01.07.08 to 06.03.20
2.	Sri Kausik Bhattacharya, LDC, TIT, Narsingarh	07.03.2020	01.07.08 to 06.03.20
3.	Sri Sajal Kar, LDC, Directorate of Higher Education	10.03.2020	01.07.08 to 09.03.20
4.	Biplab Datta, Group-D, SDM Govt. Music College	07.03.2020	01.07.08 to 06.03.20
5.	Sri Uttam Das, Group-D, TIT, Narsingarh	07.03.2020	01.07.08 to 06.03.20

However, in the case of Sri Subhrateza Choudhury(now retired), notional fixation shall be calculated w.e.f 01.07.2008 to 31.12.2019 (i.e date of retirement) so as to provide pensionary benefit to Sri Choudhury as per norms.

Therefore, the respective Head of Offices are requested to process the instant matter for extending notional fixation to the aforesaid employees mentioned under sl. No. 01 to 05 keeping records in each individual's service book by maintaining proper authentication by the college/institutes/office and copy of the same may be sent to this Directorate for information.

(N.C. Sharma)

*Director of Higher Education
Tripura"*

9. Having dissatisfied with the granting of fixation of pay scale notionally by the respondents, the petitioner had submitted a representation vide communication dated 01.10.2021 addressed to the Director, Education Department, Government of Tripura praying for providing actual financial benefits in consequence of his regularization in the post of LDC, w.e.f. 01.07.2008.

In other words, the petitioner has virtually challenged the Memo dated 31.08.2021, whereby and whereunder his pay was fixed notionally w.e.f. 01.07.2008 to 06.03.2020.

10. Mr. Bhattacharjee, learned counsel for the petitioner relying upon the intra-office communication dated 16.06.2020 (Annexure-18 to the writ petition) has argued with vehemence that the respondents had committed serious error in fixing the pay scale of the petitioner notionally w.e.f. 01.07.2008 to 06.03.2020. According to learned counsel for the petitioner, the intra-office communication dated 16.06.2020 apparently suggests to compute the actual pay scale of the petitioner w.e.f. 01.07.2008 till the date of regularisation of his pay scale i.e. till 06.03.2020. This is the singular focus as advanced by learned counsel for the petitioner.

11. On the other hand, Mr. Sarkar, learned counsel for the State-respondents submits that neither the learned Single Judge nor the

Division Bench had passed any direction to pay arrears of salary to the petitioner. As regards other prayers, particularly, regarding the upgradation of post of the petitioner, will be considered by the respondents as per existing rules.

12. I have given my thoughtful consideration to the submissions advanced by learned counsel appearing for the parties.

13. The whole controversy centres round the communication dated 16.06.2020 wherein, in the remarks column, as extracted here-in-above, it is stated that “*calculation shall be done w.e.f. 01.07.2008 to till date*”. Based on this remark, learned counsel appearing for the petitioner has strongly urged that computation of pay scale of the petitioner ought to have been made w.e.f. 01.07.2008 and not from the date of his regularization. This submission of learned counsel for the petitioner leads me to revert back to the fact when the petitioner initially had filed the writ petition. It is revealed that the petitioner filed the writ petition in the year 2015 i.e. after a lapse of 7(seven) years from the date of introduction of the Scheme, 2008, for regularisation as afore-stated.

14. It is now well settled that to agitate one’s right there must be a lifespan during which a person must knock the door of the Court for his/her remedy. Failure to raise grievance in a court of law within a reasonable period of time, that is, maximum 3(three) years from the date

of actual cause of action, attracts the doctrine of delay and laches which may be fatal to seek relief in the Court being Court of equity.

15. In my opinion, this delay amounts to serious laches on the part of the petitioner. Resultantly, according to this Court, in the context of the present case, and considering the laches on the part of the petitioner, as stated here-in-above, in my considered view, the petitioner would not deserve to claim benefit of entire arrears of salary at par the pay scales prescribed for the post of Instructor. However, this Court should not shut its eyes that the “Scheme, 2008” itself entailed an employee discharging his duties as DRW and completed 10(ten) years’ of service as on 31.03.2008 to get the benefit of regularization w.e.f. 01.07.2008, which was chosen as the effective date for implementation of the “Scheme, 2008” introduced by the State Government. In view of this policy decision, the service of the petitioner ought to have been regularized with effect from 01.07.2008 as he completed 10(ten) years of service before the effective date of regularization under the “Scheme, 2008”.

16. Non-regularization of the service of the petitioner in the relevant grade w.e.f. 01.07.2008 and his regularization as LDC w.e.f. 07.03.2020, *vis-à-vis* fixation of his pay scale notionally w.e.f. 01.07.2008, in my considered view, is not only improper, illegal and arbitrary, but also has led to manifest denial of legitimate pay scale to the petitioner, and the wrong committed by the respondents is a “continuing

wrong” commencing from 01.07.2008, the effective date of granting regular scale of pay to the petitioner as per the policy decision of the Government under the Memorandum dated 01.09.2008, which further creates continuous source of injury giving rise to recurring cause of action in each and every month when he was being paid wrong salary.

17. In this situation, dealing with the submission of Ld. counsel for the respondents that the claim of the petitioner has become stale, I may profitably rely upon the principles enunciated in ***Rushibhai Jagdishchandra Pathak Vs. Bhavnagar Municipal Corporation, 2022 SCC Online SC 641*** where the Supreme Court referring to its earlier decision in ***Union of India Vs. Tarsen Singh, (2008) 8 SCC 648*** reiterated that the principles underlying ‘continuing wrongs’ and ‘recurring/successive wrongs’ are applied to service law disputes and further held that these are the wrongs which occur periodically giving rise to a distinct and separate cause of action and summarized the law in the manner as under:-

“To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the

settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

18. In the instant case, the petitioner is denied of his legitimate pay scale by the concerned authorities as per the scheme, 2008, and thus committed wrong which is being continued month to month when the petitioner had been drawing salary. As such, in the light of the aforesaid principles, the wrong committed by the concerned authority is a ‘continuing wrong’ and in this circumstance, even if the claim is made belatedly, according to this court, such claim of granting legitimate pay scale should not become stale and the petitioner must be entitled to get his legitimate pay scales since the claim is based on a recurring cause of action.

19. In the case of ***M.R. Gupta Vs. Union of India and Ors.*** reported in (1995) 5 SCC 628, the Hon’ble Supreme Court has delineated the principle as under:[SCC.P.5. Pg:629-630]

“5. Having heard both sides, we are satisfied that the Tribunal has missed the real point and overlooked the crux of the matter. The appellant’s grievance that his pay fixation was not in accordance with the rules, was the assertion of a continuing wrong against him which gave rise to a recurring cause of action each time he was paid a salary which was not computed in

accordance with the rules. So long as the appellant is in service, a fresh cause of action arises every month when he is paid his monthly salary on the basis of a wrong computation made contrary to rules. It is no doubt true that if the appellant's claim is found correct on merits, he would be entitled to be paid according to the properly fixed pay scale in the future and the question of limitation would arise for recovery of the arrears for the past period. In the words, the appellant's claim, if any, for recovery of arrears calculated on the basis of difference in the pay which has become time barred would not be recoverable, but he would be entitled to proper fixation of his pay in accordance with rules and to cessation of a continuing wrong if on merits his claim is justified. Similarly, any other consequential relief claimed by him, such as, promotion etc. would also be subject to the defence of laches etc. to disentitle him to those reliefs. The pay fixation can be made only on the basis of the situation existing on 01-08-1978 without taking into account any other consequential relief which may be barred by his laches and the bar of limitation. It is to this limited extent of proper pay fixation the application cannot be treated as time barred since it is based on a recurring cause of action."

20. In the context of the present case, in the opinion of this court, the petitioner has been able to justify his claim for fixation of pay w.e.f. 1st July, 2008. It is the duty of the employer to implement the policy decision of the government in its letter and spirit, which they failed to discharge in respect of the petitioner. In the instant case, fixation of pay of the petitioner is due with effect from 1st July, 2008 under the Scheme, 2008.
21. In view of the aforesaid well-entrenched principles and in the facts and circumstances of the case, it is now clear that the petitioner is entitled to scheduled scale of pay w.e.f. 1st July, 2008. However, for such belated claim the benefit of actual arrears of pay is limited to a

period of three years prior to the date of filing of the writ petition. The petitioner filed the writ petition on 04.12.2021. As such, his pay scale along with corresponding revised scale of pay has to be computed w.e.f. 1st July, 2008 notionally till 03.12.2018, that is, the immediate date prior to 3(three) years of the date of filing of the writ petition. Consequently, actual arrears of pay must be paid to the petitioner w.e.f. 04.12.2018, i.e. the date prior to 3(three) years of the date of filing of the present writ petition within a period of 6(six) months.

Further, the respondents shall also consider the upgradation of the post of the petitioner in accordance with existing rules applicable to the government employees.

22. In view of the above and for the reasons discussed afore, the impugned Memorandum/order dated 05.02.2020 granting him regular pay scale prospectively stands modified to the extent as indicated here-in-above.

23. As a corollary, the respondents are directed to issue fresh order in favour of the petitioner in terms of the directions passed by this Court here-in-above.

Accordingly, the instant writ petition is allowed in the above terms.

JUDGE