

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 905 of 2022

Sri Manash Nath

---Petitioner(s)

Versus

The State of Tripura & 5 Ors.

---Respondent(s)

For Petitioner(s)	: Mrs. S. Deb(Gupta), Adv.
For Respondent(s)	: Mr. D. Bhattacharjee, GA. Ms. N. C. Saha, Adv.
Date of hearing and date of judgment and order	: 12.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India for enforcement of the Constitutional rights of the petitioner, guaranteed under Articles 14, 16, 19, 21 & 300-A of the Constitution of India.

[2] It is the case of the petitioner that the petitioner was appointed in the post of Jr. Engineer Grade-II and subsequently he was supposed to be treated as Jr. Engineer Grade-I and the pay fixation had to be revised. Since the same was not considered the petitioner preferred a writ petition being WP(C)370 of 2014 before this court. Later on, this court having considered the arguments of both sides disposed of the petition being WP(C)370 of 2014 by the order dated 26.06.2014. In pursuance of the said judgment dated 26.06.2014, the petitioner had placed a representation before the respondents. The respondents without appreciating the case of the petitioner has issued a memorandum No.F.1(57)-CE/RD/ACP/2020-21 dated 31.12.2021 directing the petitioner to submit options in the light of the judgment dated 18.12.2020 passed in WP(C)300 of 2018. Thereafter, the petitioner by a letter dated 14.07.2022 addressed to the respondent indicating that his case is different from the case made out in WP(C)300 of 2018 and his case has to be considered in the light of the judgment passed in WP(C)370 of 2014 and on the merit of the present case. According to

the petitioner, the respondent without appreciating his case has mechanically passed the memorandum dated 12.07.2022 which is under challenge in the present petition.

[3] Being aggrieved thereby, the petitioner has approached this court seeking relief *inter-alia*:

- (i) Admit the petition;
- (ii) Call for the records from the custody of the respondents;
- (iii) Issue Rule as to why a writ of certiorari shall not be issued by respondent No.3 to give order to re-fix the pay of the petitioner, the memorandum dated 12.07.2022 issued by respondent No.3 to give order to re-fix the pay of the petitioner, the memorandum dated 12.07.2022 issued by respondent no.3 to reduce the basic pay of the petitioner whimsically and letter dated 13.10.2022 along with due-drawn statement prepared by respondent No.3 and also pass a direction to the respondents and each of them not to take any step for recovery of an amount which was paid to the petitioner as per the verdict of the Hon'ble High Court dated 26.06.2014 passed in WP(C)370/2006 and order dated 3.12.2014 passed RD, Teliamura Division, Khowai District in pursuance of the said Judgment dated 26.06.2014.
- (iv) As to why a writ of mandamus shall not be issued directing the respondents to follow up the order dated 30.12.2014 passed by RD. Teliamura Division, Khowai District in Pursuance of the said judgment dated 26.06.2014.

[4] Heard Mrs. S. Deb (Gupta), learned counsel for the petitioner as well as Mr. D. Bhattacharjee, learned GA appearing for the respondents.

[5] After perusing the entire records and having considered the submission as advanced by the counsel for the parties, this court remands back the case of the petitioner to the respondents directing respondents to re-consider the matter of the petitioner in accordance with law within a period of three months, more particularly in the light of the order dated 370 of 2014 passed by this court in WP(C) 370 of 2017. The impugned order dated 31.12.2021 which is under challenge in this writ petition stands set aside.

[6] 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 stands closed.

JUDGE