

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.923 of 2022

Shri Sushil Debbarma

.....Petitioner(s)

V E R S U S

The State of Tripura & others

.....Respondent(s)

For Petitioner(s) : Mr. Raju Datta, Advocate,
Mr. Kundan Pandey, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

10/02/2023

Heard Mr. Raju Datta, learned counsel appearing for the petitioner as well as Mr. D. Sharma, learned Additional Government Advocate appearing for the respondents-State.

The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking for a direction upon the respondents to provide the petitioner Grade Pay of Rs.1,800/- instead of Rs.1,700/- *with effect from* 28.05.2011 to 31.12.2016 and Grade Pay of Rs.2,400/- instead of Rs.2,200/- *with effect from* 01.01.2017 till date along with all other consequential benefits.

2. Petitioner has prayed for the following reliefs:

"It is, therefore, humbly prayed that your Lordships would be graciously pleased to issue Rule upon the Respondents to show cause as to why a writ in the nature of mandamus directing the State Respondents to allow the Grade Pay of Rs.1800/- instead of Rs.1700/- w.e.f. 28.05.2011 to 31.12.2016 and Grade Pay of Rs.2,400/- instead of Rs.2,200/- w.e.f. 01.01.2017 to till date along with consequential benefit including arrears along with statutory interest to the petitioner.

AND

As to why such other order/orders should not be passed so as to give full relief to the Petitioner, and, upon causes shown, to make the Rule absolute."

3. Brief facts of the case are that the petitioner was appointed to the post of Mechanic in Rural Development Department, Government of Tripura vide order No.F.1(4)-DM(W)/ESTT/BLOCK/ VOL-III/8411/06 dated 13.12.2006 issued by the respondent No.3. He was regularized after completion of 5 years of continuous service and was given pay scale of Rs.5310-24,000/- with Grade Pay of Rs.1,700/-. On 28.05.2011, the General Administration (Personnel & Training) Department, Government of Tripura issued Recruitment Rules for the post of Junior Mechanic/Mechanic in different departments wherein the pay scale was fixed at Rs.5,310-24,000/- with Grade Pay of Rs.1,800/-.

Thereafter, respondent Nos. 5, 7 & 9 had granted Grade Pay of Rs.1,800/- w.e.f. 28.05.2011 to the Junior Mechanics, but the respondent No.8, under whom the petitioner was working, did not take any action towards providing the Grade Pay of Rs.1,800/- in spite of several representations dated 23.04.2013 and 06.06.2014 respectively. Subsequently, an order dated 14.07.2017 was issued by the respondent No.8 in allowing the petitioner provisionally scale up-gradation under ACP-I after completion of 10 years of service. Since the respondents did not consider the case of the petitioner and being dissatisfied with the actions and orders passed by the respondent No.8, the petitioner has filed the instant writ petition invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India.

4. Mr. Raju Datta, learned counsel appearing on behalf of the petitioner, contends that the present case is fully covered by the order dated 07.03.2019 passed in WP(C) No.1147 of 2018 and other connected matters wherein this Court had directed the respondents to pay Grade Pay of Rs.1,800/- instead of Rs.1,700/- and further prays for allowing the Grade Pay of Rs.2,400/- instead of Rs.2,200/- to the petitioner.

5. On the other hand, Mr. D. Sharma, learned Additional Government Advocate appearing on behalf of the respondents-State, has not raised any objection to the submissions advanced by the learned counsel for the petitioner.

6. After hearing learned counsel for both the parties, this Court is of the considered view that the petitioner is at liberty to make a representation to the respondents enclosing all relevant documents in support of his claim and directs the respondents to consider the representation of the petitioner by passing a reasoned order, in accordance with law preferably within a period of 3(three) months from the date of receipt of the representation.

7. With the above direction, the instant writ petition is disposed of. Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pijush