

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.993 of 2022

Sri Paritosh Majumder and others

.....Petitioner(s)

V E R S U S

The State of Tripura and others

..... Respondent(s)

For Petitioner(s) : Mr. Arijit Bhaumik, Advocate.

For Respondent(s) : Mr. D. Bhattacharya, G.A.,
Mr. N. Majumder, Advocate,
Mr. Soumyadeep Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

ORDER

24.02.2023

Heard Mr. Arijit Bhaumik, learned counsel appearing for the petitioners and also heard Mr. D. Bhattacharya, learned Government Advocate assisted by Mr. Soumyadeep Saha as well as Mr. N. Majumder, learned counsel appearing for the respondents.

[2] The present writ petition has been filed by the petitioner under Section 226 of the Constitution of India seeking for a direction to the respondents to provide the petitioners benefits of 2nd ACP with effect from the date of completion of total 17 years of continuous service in Grade VA of Tripura Power Engineering Service under the Tripura State Civil Services (Revised Pay) Rules, 2009.

[3] 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 entitled to the benefits of 2nd ACP w.e.f. the date of completion of 17 years of continuous service and satisfactory service as Junior Engineer Grade V-A of Tripura Power Engineering Service Rules along with all arrears of financial benefits;
- (iii) Issue rule calling upon the respondents to show cause as to why the petitioners shall not be granted 3rd MACP w.e.f. the date of completion of another 8 years of continuous and satisfactory service from the date of completion of 17 years of service as Junior Engineer Grade V-A of Tripura Power Engineering Service Rules along with all arrears of financial benefits;
- (v) After hearing the parties be pleased to make the rule absolute,
- (vi) Pass any other order/orders as deemed fit and proper.”

[4] Mr. Arijit Bhaumik, learned counsel for the petitioners contends that the present case is covered by the judgment of the learned Single Judge of this Court in WP(C) No.488 of 2019 dated 03.03.2021 wherein this Court had granted the benefit of 2nd ACP to the petitioners for rendering 17 years of their service in the Grade-VA of Tripura Power Engineering and similar relief may be granted to the present petitioners also. He further contends that the petitioners are entitled to the benefits of ACP with effect from 30.09.2009 upon completion of 17 years of service but the respondents have granted the benefits of ACP to the petitioners with effect from 01.04.2017 under the new rules. On the other hand, Mr. D. Bhattacharya the learned Government Advocate fairly contends that the case may be decided, in accordance with law.

[5] After hearing learned counsel for the respective parties, without expressing any opinion on merits of the case, the present petition is disposed of directing the respondent No.4 (The Managing Director, Tripura

State Electricity Corporation limited) to consider the case of the petitioners, in accordance with law, more particularly, in the light of judgment relied upon by the counsel for the petitioner is so applicable to the facts of the present case.

[6] In view of the above, the instant writ petition is disposed of. Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Dipesh



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