

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.1018/2022

Smt. Kalpana Chakraborty

.....Petitioner(s).

V E R S U S

The Tripura State Electricity Corporation Limited & others

.....Respondent(s).

For Petitioner(s) : Ms. Susmita Paul, Advocate.

For Respondent(s) : Mr. N. Majumder, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

10/03/2023

Heard Ms. Susmita Paul, learned counsel appearing for the petitioner. Also heard Mr. N. Majumder, learned counsel appearing for the respondents.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to extend the entitled benefit of pay scale along with arrears of pay and allowances for the period w.e.f. 16.09.2015 to 31.03.2018.

3. The case of the petitioner, in brief, is that the petitioner, who had been serving as DRW under the Tripura State Electricity Corporation Limited (TSECL, for short) for more than 10 years, was

regularized in the post of Helper Grade-II w.e.f. 16.09.2015 with pay scale of Rs.4,840-13,000/- in PB-I with Grade Pay of Rs.1,400/-. But the petitioner is being paid pay and salary in the said scale only w.e.f. 01.04.2018. Accordingly, the petitioner submitted representation on 05.06.2017 to the Sr. Manager, Dhajanagar, Gomati, Tripura for releasing the arrears of pay and allowances in the said pay scale for the period w.e.f. 16.09.2015 to 31.03.2018, but till date the representation of the petitioner was not considered and she has not been paid anything thereto. Aggrieved thereby, the petitioner has approached this Court by filing this writ petition. Hence, this case.

4. 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 cause payment of regular scale of pay to the Petitioner in PB-I Rs.4840/- to 13000/- Grade Pay Rs.1400/- plus other admissible allowances for the period of 16.09.2015 to 31.03.2018.

(II) Make the rules absolute.

(III) Call for records.

(IV) Pass any further Order/Orders as this Hon'ble High Court considered fit and proper."

5. Ms. Susmita Paul, learned counsel appearing for the petitioner, contends that though the petitioner was regularized w.e.f. 16.09.2015, she has been extended the benefit of regular pay scale only w.e.f. 01.04.2018. Counsel also contends that the petitioner was not paid the arrears of pay and allowances for the period w.e.f. 16.09.2015 to 31.03.2018. Counsel further contends that subsequent thereto, the petitioner submitted representation for releasing the arrears of pay and allowances but that was not acceded to by the respondents. Accordingly, she prays for a direction to the respondents to extend the benefit of pay scale along with arrears of pay and allowances for the aforesaid period.

6. It is seen from the record that way back on 05.06.2017 the petitioner submitted a representation addressing the Sr. Manager, TSECL, Dhajanagar Electrical Sub-Division, Gomati, Tripura (respondent No.3 herein) for releasing the arrears of pay and allowances in the said pay scale for the period w.e.f. 16.09.2015 to 31.03.2018 but that was not considered by the respondent authorities till date.

7. In view of the same, the present writ petition is disposed of with the following directions:

The petitioner is at liberty to file a fresh representation before the Sr. Manager, TSECL, Dhajanagar Electrical Sub-Division, Gomati, Tripura (respondent No.3 herein). On receipt of such representation, the respondent No.3 shall decide the same within a period not later than two months from the date of receipt of such representation.

8. With the above directions, the writ petition is disposed of.
Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

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