

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 1050 of 2022

Ramnarayan Chattopadhyay

---Petitioner(s)

Versus

The State of Tripura and 6 Others

---Respondent(s)

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Adv. Mr. K. Nath, Adv.
For Respondent(s)	: Mr. D. Sharma, Addl.GA,
Date of hearing and delivery of judgment and order	: 08.05.2023
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 filed by the petitioner.

[2] The brief facts of the petitioner is that petitioner who has retired from service on superannuation on 30.11.2021, in the post of Senior Store Keeper, has sought for necessary direction upon the respondents to allow him the benefit of 3rd ACP w.e.f. 01.10.2017 in the pay scale of Rs.10230-34800/- plus Grade Pay of Rs.4400/-. The petitioner has also sought for issuance of fresh PPO & re-fixation of his pensionary benefits after allowing him the benefit of 3rd ACP w.e.f. 01.10.2017, in the scale of Rs.10230-34800/- plus Grade Pay of Rs.4400/-. The petitioner also sought for directing the respondents to cause full and final payment of gratuity to the petitioner calculating the upper ceiling limit as Rs.20 lakhs (twenty lakhs) and taking into account, the last basic pay of the petitioner @Rs.55,650/- plus the benefit of 3rd ACP, in the pay scale of Rs.10230-34800/- with Grade Pay of Rs.4400/- along with interest 9% thereon w.e.f. the date when the petitioner became entitled to get full and final payment of gratuity till the payment is made. Challenging the order for recovery, vide letter dated 07.03.2022 issued by the respondents No.1 to 4 the petitioner filed WP(C) No322 of 2022. In the said writ petition, the petitioner also sought other benefits. This

Court vide order dated 14.07.2022 quashed the letter dated 07.03.2022 & disposed of the writ petition, in view of the fact that learned Addl. Government advocate assured to rectify the pay anomaly of the petitioner. But ultimately, the respondents failed to redress the grievances of the petitioner.

[3] Being aggrieved, the petitioner has approached this court for the following reliefs:-

(i) Issue Rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or order or direction/directions shall not be issued whereby quashing and cancelling the letter No.PAN-2/PR No. 122/2015-16/3564-65, dated 05-10-15, issued by the Senior Accounts officer, Office of the Accountant General (A&E), Tripura, Agartala.

(ii) Issue rule, upon the respondents to show cause as to why Writ in the nature of mandamus and/or direction/directions shall not be issued whereby quashing and canceling the letter/memo No.PAN2/TRIP/S/SUP/PPO/Rev/1013/4321-23, dated 01.06.16 issued by the Senior Accounts Officer, Office of the Accountant General (A &E), Tripura.

(iii) Issue Rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction/ shall not be issued whereby quashing and cancelling the letter/memo No.PEN-2/Trip/S/Sup/CPO/REV/1/1013/4324-26, dated 01.06.16, issued by the Senior Accounts officer, Office of the Accountant General (A&E) Tripura, Agartala.

(ivi) Issue Rule upon the respondents to show cause to why writ in the nature of mandamus and/or order or direction/directions shall not be issued whereby quashing and cancelling the letter /Memo No-Pen/2/PRNo.122/2015-16/4319-20 dated 01.06.16, issued by the Senior Accounts Officer, Office of the Accountant General (A&E), Tripura, Agartala.

[4] Heard Mr. P. Roy Barman, learned senior counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. GA appearing for the respondents.

[5] It is seen from the record that the petitioner has not challenged any impugned proceeding or any impugned action of the respondents. The petitioner herein has filed this present writ petition before approaching the respondents. This Court feels that prima facie this writ petition is not maintainable and no mandamus can be issued. At this juncture, the petitioner-counsel pleads before this Court that liberty may be given to him to file a representation before the respondents ventilating his grievance.

[6] In view of said submission, without expressing any opinion on the merits of the case this present writ petition is disposed of giving liberty to the petitioner herein to approach the respondents by submitting an appropriate representation. On receipt of the said representation, the respondents are at liberty to consider the same in accordance with the law within a period of three months.

[7] 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

Dipak

