

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 15 of 2024

Sri Kiresb Ranjan Das *Petitioner(s)*

Versus

State of Tripura and 5 others *Respondent(s)*

WP(C) 16 of 2024

Inuch Ali *Petitioner(s)*

Versus

State of Tripura and 5 others *Respondent(s)*

WP(C) 17 of 2024

Samarendra Debbarma *Petitioner(s)*

Versus

State of Tripura and 5 others *Respondent(s)*

WP(C) 18 of 2024

Usha Ranjan Debbarma *Petitioner(s)*

Versus

State of Tripura and 5 others *Respondent(s)*

For Petitioner(s)	:	Mr. S. Saha, Advocate. Mr. S. Datta, Advocate. Mr. Samar Das, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

25.01.2024

These petitions have been filed by the petitioners under Article 226 of the Constitution of India. Since the writ petitions are interconnected and analogous in nature, same are heard and taken collectively for disposal in a common order.

[2] The petitioners have approached this court for the following reliefs:

- i. Admit these writ petitions;
- ii. Issue notice upon the respondents;
- iii. Call for records relevant to the subject matter;
- iv. Issue writ directing the respondents or each of them to accord the benefit of the correct fixation of pay at par with the pro-forma respondent by upgrading the pay of the petitioners along with arrears;
- v. Issue writ setting aside the letters dated, 20.05.2023 [in WP(C) 15 of 2024], dated, 22.06.2023 [in WP(C) 16 of 2024], dated, 12.07.2023 [in WP(C) 17 of 2024], dated, 28.08.2023 [in WP(C) 18 of 2024] forthwith and also call for records from the custody of the respondents;

[3] Heard Mr. Samar Das, learned counsel along with Mr. S. Datta, learned counsel and Mr. S. Saha, learned counsel appearing for the petitioners. Also heard Mr. M. Debbarma, learned Addl. G.A. representing the State-respondents. Ms. Sharmistha Chakraborty, AIGP (Crime) and Mr. R. Darlong, AIGP (TSR) are present on behalf of respondent No.5 for assisting learned Addl. G.A.

[4] During the course of argument, learned Addl. G.A. placed before this Court, proceedings of 2015 (in the memorandum dated, 19.02.2015 issued by the Government of Tripura in its Finance Department), which were placed in the notice board. He submits that since the petitioners were also working in the Battalion(s), it is reasonably presumed that they are aware of the said notice and the options which were earlier exercised or implemented. In pursuance of the said memorandum of 2015, which was placed in the notice board, if the petitioners have not exercised their option, it cannot be said that the respondents are at fault. Accordingly, on the strength of the information available, the present impugned communications of 2023 have been passed by the respondents.

[5] This Court finds force in the argument of the learned Addl. G.A. and opines that the petitioners cannot assail the said proceedings which are impugned herein and accordingly, the writ petition is liable to be dismissed and the same is accordingly dismissed.

However, to give an opportunity to the petitioners, this Court by taking a lenient view, grants liberty to the petitioners to approach the respondents and file representation ventilating their grievances within the four walls of the of the Act and Rules. The respondents, on receipt of such representation, shall consider the same in accordance with law and communicate the result to the petitioners within a period of 3(three) months from the date of receipt of such representation(s) from the petitioners.

With the above observation, present petitions stand dismissed and the presence of the officers on behalf of respondent No.5 is also dispensed with. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE



Sabyasachi G.

**SABYASACHI
GHOSH**

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