

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 94 OF 2024

1. Sri Ajit Debbarma,
son of Sri Sukhadeb Debbarma, resident of Village and PO- Katalutama, PS- Salema, Sub-division- Kamalpur, District- Dhalai Tripura, PIN-799286, aged about 39 years, presently posted at Office of the EE, RD Mohanpur Division, Mohanpur, West Tripura.
2. Sri Jitendra Reang,
son of Sri Chanuram Reang, resident of Village- Nabajoy Para, PO and PS- Karbook, District- Gomati Tripura, PIN-799104, aged about 40 years, presently posted at Office of the EE, RD Mohanpur Division, Mohanpur, West Tripura.
3. Sri Shyamal Paul,
son of Late Subhash Chandra Paul, resident of Village- West Taranagar, PO- Mohanpur, PS- Sidhai Mohanpur, District- West Tripura, PIN-799211, aged about 40 years, presently posted at Mohanpur Sub-Division, RD Mohanpur Division, Mohanpur, West Tripura.
4. Sri Surajit Debbarma,
son of Sri Rathindra Debbarma, resident of Village- Haticharra, PO and PS- Sidhai, Sub-division- Mohanpur, District- West Tripura, PIN-799212, aged about 42 years, presently posted at Mohanpur Sub-Division, RD Mohanpur Division, Mohanpur, West Tripura.
5. Sri Santosh Tanti,
son of Late Chandra Tanti, resident of Village- Jagatpur, PO- Mohanpur, PS- Sidhai Mohanpur, District- West Tripura, PIN-799211, aged about 50 years, presently posted at Mohanpur Sub-Division, RD Mohanpur Division, Mohanpur, West Tripura.
6. Sri Suman Paul,
son of Late Bishnupada Paul, resident of Village- Bhati Abhoynagar, PO- Agartala, PS- Ramnagar, Agartala, District- West Tripura, PIN- 799001, aged about 41 years, presently posted at Office of the EE, RD Udaipur Division, Udaipur, Gomati Tripura.
7. Sri Ratan Chandra Das,
son of Late Kalidas Das, resident of Village- Jail Road, PO and PS- RK Pur, Udaipur, District- Gomati Tripura, aged about 53 years, presently posted at Office of the EE, RD Udaipur Division, Udaipur, Gomati Tripura.
8. Sri Subhankar Roy,
son of Late Dilip Kr. Roy, resident of Santi Para, PO- Aralia, PS-East Agartala, District- West Tripura, PIN-799004, age about 46 years, presently posted at Agartala Sub-Division, under RD Agartala Division, Gurkhabasti, Agartala, West Tripura.

9.Sri Tapan Debbarma,
son of Late Amar Debbarma, resident of Village- Hezamara, PO-
Baikunthapur, PS- Sidhai Mohanpur, District- West Tripura, PIN-799211,
aged about 50 years, presently posted at Office of the EE, RD Jirania Division,
Jirania, West Tripura.

10.Sri Ranjan Roy,
son of Late Ramendra Ch. Roy, resident of Jirania Nagar Panchayat, PO-
Birendra Nagar, PS- Jirania, District- West Tripura, PIN- 799045, aged about
50 years, presently posted at Jirania sub-Division under RD Jirania Division,
West Tripura.

11.Sri Nitya Debbarma,
son of Late Laba Debbarma, resident of Village and PO-Dhanbilash, PS-
Kailashahar, District- Unakoti Tripura, PIN-799280, aged about 42 years,
presently posted at RD Gournagar Sub-Division, Under Kumarghat RD
Division, Unakoti Tripura.

12.Sri Chandan Jamatia,
son of Late mangal Kumar Jamatia, resident of Village- Gamaria, PO- South
Maharani, PS-RK Pur, Udaipur, District- Gomati Tripura, PIN-799013, aged
about 40 years, presently posted at Office of the BDO, Matabari RD Block,
Gomati Tripura.

13.Sri Prem Mohan Tripura,
son of Sri Jatindra Tripura, resident of Village- Neoramura, South Taibandal,
PO-Taibandal, PS- Melaghar, Sepahijala Tripura, PIN-799105, aged about 42
years, presently posted at Office of the EE, RD Ambassa Division, Ambassa,
Dhalai Tripura.

14.Sri Jatanmani Chakma,
son of Sadhan Chakma, resident of Village-Hazachari, PO-Suknachari, PS-
Silachari, Karbook, District- Gomati Tripura, PIN- 799104, aged about 46
years, presently posted at Office of the BDO, Rupaichari RD Block, Sabroom,
South Tripura.

15.Sri Rabi Chandra Reang,
son of Sitanjoy Reang, resident of Village-Naraiha Para, PO and PS- Karbook,
District- Gomati Tripura, PIN-799104, aged about 45 years, presently posted
at Karbook Sub-Division under RD Amarpur Division, Gomati Tripura.

...Petitioner(s)

Versus

1.The State of Tripura,
represented by the Secretary, Rural Development Department, Government of
Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala,
PO- Agartala Secretariat, PS- N.C.C., Sub-Division- Agartala, District- West
Tripura, Pin-799010.

2.The Secretary,
Rural Development Department, Government of Tripura, having his office at

New Secretariat Complex, Gorkhabasti, Agartala, PO-Agartala Secretariat,
PS- N.C.C., Sub-Division- Agartala, District- West Tripura, Pin-799010.

3.The Chief Engineer,
Rural Development Department, Government of Tripura, Gurkhabasti, West
Tripura, PIN-799006.

4.The District Magistrate and Collector,
West Tripura, Agartala. 799001.

5.The Executive Engineer,
Rural Development Department, Government of Tripura, Gurkhabasti, West
Tripura, PIN-799006.

...Respondents.

For the petitioner(s) : Mr. K. Roy, Advocate.

For the respondent (s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

10.12.2024

Order

Heard Mr. K. Roy, learned counsel appearing for the petitioners.
Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the State-
respondents.

In brief, this is a case where the petitioners have approached this
Court to pass a direction upon the respondents by way of writ of mandamus
asking the Government to make recruitment rule for creating promotional
avenues of the Work Assistants working under the Rural Development
Department, Govt. of Tripura. According to Mr. Roy, learned counsel
appearing for the petitioners, a proposal should be made to promote them to
the post of Junior Overseer and in this regard necessary recruitment rule may
be framed.

On the other hand, Mr. Debbarma, learned Addl. G.A. appearing
for the State-respondents has submitted that the Court has no jurisdiction to
pass such an order asking the Government to frame recruitment rule.

I have considered the submissions of learned counsel appearing
for the parties.

Mr. Roy, learned counsel appearing for the petitioners has placed
a communication dated 27th February, 2024 whereby and whereunder the

District Magistrate and Collector, West Tripura, Agartala who is the Chairman of the Departmental Promotion Committee has proposed the State Govt. that Work Assistants working under the R.D. Department are entitled to get the promotion in some higher posts for upliftment of their career.

I have also considered the merits of this communication. This is an intra-departmental communication between one department of the government and the other department of the same Government. In my opinion, the Court has no power to pass any direction asking the authority concerned or Government to frame recruitment rule for a particular post creating promotional avenues or for upliftment of the workers. This is absolutely within the domain of the authority concerned. They are the best authority to decide the necessity of framing recruitment rule to create promotional avenues for its employees.

Mr. Roy, learned counsel appearing for the petitioners has cited some judgments wherein the Hon'ble Supreme Court held that there should not be stagnation of posts. However, Mr. Roy, learned counsel has not been able to place any precedent before this Court where it is said that the Court has power to direct the Government or any organization to frame recruitment rule creating promotional avenues for its employees. If that be the settled proposition of law as I observed here-in-above, I find no merit in the present writ petition. However, the State-respondents may consider whether there is any necessity to frame any recruitment rule for the upliftment of the Work Assistants serving under the R.D. Department, Government of Tripura as indicated in the communication dated 27th February, 2024 issued by the District Magistrate & Collector, West Tripura, Agartala.

With the aforesaid observation and direction, the instant writ petition stands dismissed.

JUDGE

SANJAY GHOSH

Digitally signed by SANJAY GHOSH
Date: 2024.12.11 17:58:36 +05'30'

sanjay