

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 131/2024

Sri Biplab Kanti Murasingh and another	Versus	----Petitioner(s)
The State of Tripura and 2 others		----Respondent(s)

For Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharya, GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

30/05/2024

By means of filing the present writ petition, the petitioners have prayed for 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 given the benefit of one increment under Note-2 of Rule 13(1)(v) of the TSCS(RP) Rules, 2009 along with arrears of financial benefit.

AND

Issue Rule calling upon the Respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue Rule calling upon the Respondents to show cause as to why the Memorandum dated 16.10.2007 issued by the Finance Department, Govt. of Tripura shall not be set aside and quashed.

(iv) And after hearing the parties, be pleased to make the rule absolute”.

2. Heard Mr. A. Bhaumik, learned counsel appearing for the petitionerS. Also heard Mr. Kohinoor N. Bhattacharya, learned GA appearing for the respondents-State.

3. Briefly stated, the petitioners were appointed to the post of Post Graduate Teachers on fixed pay basis on different dates. Thereafter, they were to remain on fixed pay for a period of 5(five) years after joining to their service. On completion of 5(five) years on fixed pay, the petitioners were given the benefit of regular pay scale. Thereafter, vide memorandum dated 22.05.2008, the petitioners were selected for undergoing training for Certificate course in Elementary Education(CETE) for a period of 6(six) months. Upon completion of 6(six) months training, the End Term Examination was held in the month of December, 2008 and the results were

published on 15.04.2009 and the petitioners had successfully passed the End Term Examination in one attempt.

4. It is highlighted in the writ petition by the petitioners that vide notification dated 05.05.2009, Tripura State Civil Service(Revised Pay) Rules, 2009 (for short, Rules, 2009) was introduced by the Govt. of Tripura w.e.f. 01.01.2006. Under Rule 13(1)(v) of the Rules, 2009 it was provided that the existing system of granting training incentive to employees in the form of one increment is replaced with lumpsum incentive grant. In the Note to Rule 13(1)(v) it was provided that such system of providing lumpsum incentive grant will take effect from 01.01.2009 for all employees who completed training on or after 01.01.2009. Subsequently, Rules, 2009 was amended vide Notification dated 06.01.2011 providing therein that the employees who completed full training course and appeared in the End Term Examination prior to 05.05.2009 and passed the examination in all subjects in one attempt, shall be exempted from the purview of Rule 13(1)(v) and will be entitled to training incentive in the form of one increment. Thus, by the amendment of Rules, 2009, the petitioners are entitled to one advance increment, which was denied to them. Hence, the present writ petition.

5. Mr. Bhaumik, learned counsel for the petitioners has submitted that the instant writ petition is squarely covered by the judgments and orders of the Single Bench of this Court passed in ***WP(C) No.626 of 2023*** titled as ***Sri Debu Ranjan Sinha & 8 Ors. vs. The State of Tripura & 2 Ors.*** and ***WP(C) No.697 of 2023*** titled as ***Smt. Piyashi Das & 4 Ors. vs. The State of Tripura & 2 Ors.***

6. Learned GA, appearing for the respondents-State has submitted that the grievance of the petitioners has been addressed to by the respondents, and in that respect, the respondents have submitted their affidavit before this court. In para 5 of the said affidavit, the respondents have stated as under:

"5. That, with respect to paragraph 1 of the writ petition, I humbly submit that on scrutiny of all documents annexed in file of Sri Biplab Kanti Murasing & another, it appears that the petitioners appeared at the end of term examination 2008 and

successfully completed T.Ed/CETE certificate course in service on 05.05.2009. Hence, they are eligible for one advance increment as per Rule 13(1)(V) of ROP, 2009.

Details of the petitioners in connection with WP(C) No. 131 of 2024 are as follows:

Sl.No.	Name of the petitioners	Date of Appointment	Publication date of B.Ed Training
1	Biplab Kanti Murasing, PGT	01/08/2007	15/04/2009
2	Satya Ranjan Noatia, PGT	01/08/2007	15/04/2009

Further, the respondents in paragraph 7, have asserted that:

“7. That, with respect to paragraphs-7 to 11 of the writ petition, I humbly submit that all the petitioners were selected for undergoing training in Certificate in Elementary Education (CETE) through distance mode. The 6(Six) months training was scheduled from July, 2008 to December, 2008. The end term exam was held in the month of December, 2008 and the results were published on 15.04.2009 and all the petitioners have successfully passed the end term examination in one attempt. Hence, all the petitioners are entitled one advance increment as per judgement and order dated 31-07-2023 in connection with Review Pet. No. 21 & 24 of 2023 of the Hon’ble High Court of Tripura in terms of Rule 13(1)(v) of ROP, 2009.”

7. The aforesaid submission of learned GA is acceded to by the learned counsel appearing for the petitioners.
8. In view of the above, the instant writ petition stands allowed and thus disposed.

Pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR

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