

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.142 of 2024

Dr. Kabir Chakraborty, Age-46 years, S/o-Mr. Kalyan chakraborty, R/o-ILA Bhavan, Ramnagar Road No.2, Agartala, P.O-Ramnagar, P.S-West Agartala, District-West Tripura, PIN-799002.

....Petitioner(s)

Versus

1. **The State of Tripura**, to be represented by Principal Secretary, Directorate of Higher Education, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN-799006.
2. **The Director**, Directorate of Higher Education, Government of Tripura, Office Lane, Agartala, West Tripura.

....Respondent(s)

WP(C) No.143 of 2024

Dr. Angshuman Chakraborty, Age-44 years, S/o-Sri Debabrata Chakraborty, R/o-Ujan Abhoynagar, P.O-Ujan Abhoynagar, Agartala, District-West Tripura, PIN-799005.

....Petitioner(s)

Versus

3. **The State of Tripura**, to be represented by Principal Secretary, Directorate of Higher Education, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN-799006.
4. **The Director**, Directorate of Higher Education, Government of Tripura, Office Lane, Agartala, West Tripura.

....Respondent(s)

WP(C) No.144 of 2024

Dr. Shimal Das, Age-44 years, S/o-Amar Chan Das, R/o-Vill-Aralia, Agartala, Near Ekata Sangha Para, Agartala, District-West Tripura, PIN-799004.

....Petitioner(s)

Versus

5. **The State of Tripura**, to be represented by Principal Secretary, Directorate of Higher Education, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN-799006.
6. **The Director**, Directorate of Higher Education, Government of Tripura, Office Lane, Agartala, West Tripura.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. K. Nath, Advocate
For the Respondent(s)	:	Mr. P. Gautam, Advocate Mr. R. Saha, Advocate Ms. P. Goswami, Advocate Ms. K. Reang, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

05.08.2024

The above bunch of writ petitions involve similar and identical points of law and facts, and as such, these are taken up and heard together for disposal with the consent of learned counsel appearing for the parties.

2. In WP(C) No.142 of 2024, the 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, direction/directions of like nature shall not be issued whereby directing the Respondents to allow the Petitioner benefit of movement in the higher academic grade pay from Rs.7000/- to 8000/- [Movement to Level 12, Stage III, Assistant Professor (Selection Grade), Entry pay Rs.79,800/-] under CAS for completion of 4 years service with Ph.D. in terms of AICTE Notification, dated, 04.01.2016, w.e.f. 03.09.2017, and subsequently re-adjusted the other CAS benefits accordingly.

ii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders, direction/directions of like nature shall not be issued whereby directing the Respondents to modify the Notification, dated, 04.01.2023, issued by the Addl. Secretary to the Govt. of Tripura allowing the Petitioner the benefit of movement in the higher academic grade pay from Rs.7000/- to 8000/-[Movement to Level 12, Stage III, Assistant Professor (Selection Grade), Entry Pay Rs.79,800/-] w.e.f. 03.09.2017 instead of 03.09.2018, with consequential incidental/ancillary benefit including financial benefit.

iii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders, direction/directions of like nature shall not be issued whereby directing the Respondents to give the benefit of movement of AGP

8000/- to the Petitioner w.e.f. 03.09.2017 on completion of 4 years service with AGP Rs.7000/- as Assistant Professor having Ph.D degree.

iv) Call for the records pertaining to the instant Writ Petition from the custody of the Respondents.

v) Make the Rules absolute after hearing the Parties.”

3. Heard Mr. K. Nath, learned counsel appearing for the petitioners. Also heard Ms. P. Goswami, learned counsel appearing for the respondents-State in WP(C) No.142 of 2024, Mr. P. Gautam, learned counsel appearing for the respondents-State in WP(C) No.143 of 2024 and Mr. R. Saha, learned counsel appearing for the respondents-State in WP(C) No.144 of 2024.

4. At the very outset, Mr. Nath, learned counsel appearing for the petitioners has submitted that the prayers of the petitioners in the above bunch of writ petitions are squarely covered by a decision of this Court vide order dated 23.08.2023 passed in **WP(C) No.528 of 2023** titled as **Smt. Kaberi Majumder vs. The State of Tripura and 4 Ors.** While dealing with the grievances of the writ petitioner in **WP(C) No.528 of 2023(supra)**, a learned Single Judge (*T. Amarnath Goud, J*) of this Court had reproduced the reliefs claimed therein. For convenience and proper adjudication of the present writ petition, the reliefs claimed for in **Smt. Kaberi Majumder(supra)** may be reproduced hereunder:

“23.08.2023

This is a petition filed under Article 226 of the Constitution of India seeking the following reliefs:

- I. *Issue rule calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing the respondents, to transmit the records, lying with them for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Notification dated 12.01.2023(Annexure-13 supra), insofar as it repulses the claims of the petitioner, for counting her absorption from the initial date of her joining in the erstwhile Polytechnic Institute, Narsingarh;*

- II. *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued for mandating/directing the respondents, to revoke/rescind the impugned Notification dated 12.01.2023(Annexure-13 supra), insofar as it repulses the claims of the petitioner, for counting the absorption from the initial date of her joining in the erstwhile Polytechnic Institute, Narsingarh, and thereupon, for mandating/directing them to forthwith make proper fixation of the pay of the petitioner, in tune with the dates & events, as elaborated in Paragraph 3.6 supra;*
- III. *Call for the records appertaining to this petition;*
- IV. *After hearing the parties, be pleased to make the Rule absolute in terms of i. to ii. above;*
- V. *Costs of incidental to this proceedings;*
- VI. *Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."*

While disposing of the case of **Smt. Kaberi Majumder(supra)**, learned Single Judge of this Court had passed the following directions:

- "3. Mr. Somik Deb, learned counsel appearing for the petitioner submits that his client has submitted 3(three) representations dated 28.11.2022, 15.12.2022 and 20.12.2022 before the respondents ventilating her grievance but the same is pending till date.*
- 4. In view of such circumstance, without expressing any opinion on the merits this present writ petition is disposed of with a direction upon the respondents to consider the representation dated 28.11.2022, 15.12.2022 and 20.12.2022 in accordance with law within a period of 3(three) months from the date of receipt of the copy of this order. The said decision be communicated to the petitioner herein.*
- 5. 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 disposed of."*

After receipt of the copy of the order dated 28.08.2023, the respondents had passed an order dated 12.12.2023, which reads as under:

*"Government of Tripura
Department of Higher Education*

No.F.10(871)-DHE/LA/2023/3486 Dated, Agartala, the 12 December, 2023

ORDER

WHEREAS, Dr. Kaberi Majumder, Associate Professor, Tripura Institute of Technology (Degree Level), Narsingarh had filed WP(C) No.528 of 2023 before the Hon'ble High Court of Tripura claiming the re-

adjustment of Career Advancement Scheme (CAS) movement from the date of joining in TIT (erstwhile Polytechnic Institute), Narsingarh.

AND

WHEREAS, the Hon'ble High Court of Tripura vide order dated 23.08.2023 passed in the WP(C) No.528 of 2023 has been pleased to direct inter alia as follows:

“In view of such circumstance, without expressing any opinion on the merits this present writ petition is disposed of with a direction upon the respondents to consider the representation dated 28.11.2022, 15.12.2022 and 20.12.2022 in accordance with law within a period of 3(three) months from the date of receipt of the copy of this order. The said decision be communicated to the petitioner herein.”

AND

WHEREAS, a committee has been constituted under the Education (Higher) Department, Govt. of Tripura vide Notification No.F.10 (871)-DHE/LA/2023/2523, dated 13th September, 2023 for reviewing the representation dated 28/11/2022, 15/12/2022 and 20/12/2022 in accordance with law following All India Council for Technical Education (AICTE), Regulations in respect Dr. Majumder, Associate Professor, TIT (Degree Level).

AND

WHEREAS, the Department has absorbed the service of Dr. Majumder from erstwhile Polytechnic Institute into TIT, Narsingarh (Degree module) in public interest commencing from the date of joining in erstwhile Polytechnic Institute, Narsingarh i.e. 20.07.2007 in consultation with the Finance Department vide U.O No.151-FIN(Estt-II) dated 20.06.2022.

AND

WHEREAS, the committee resolved that the date of CAS eligibility for Dr. Majumder is to be counted from 20.07.2007, therefore her date of CAS movement, from AGP Rs 6000/- to Rs.7000/- may be adjusted to 20.07.2012. i.e. after 5 years from the date of joining as Dr. Majumder has completed M. Tech on 03.08.2007 which is within 5 years of the initial stage of service. Moreover, as per the AICTE Notification, vide Govt. of India Gazette, Extraordinary Issue, Part- III, Section-4, dated 06.01.2016, AICTE Notification, dated 04.01.2016, on Issues and Clarifications related to CAS, she is entitled to movement of AGP from 7000/- to 8000/- after 4 (Four) years of service as CAS-I which fall on 20.07.2016 as she has acquired Ph.D between AGP 7000/- to 8000/- and subsequently other CAS benefits will be re-adjusted.

AND

NOW THEREFORE, Dr. Kaberi Majumdar, Associate Professor (Electrical), Tripura Institute of Technology (TIT), Narsingarh is hereby allowed to move to AGP of Rs.7.000/- after completion of 5(five) years of service as Assistant professor as on 20.07.2012 instead of 18.06.2013. In addition, Dr. Majumdar is also entitled to movement of AGP from 7000/- to 8000/- after 4(Four) years of service as CAS-I which fall on 20.07.2016 since she has acquired Ph.D between AGP 7000/- to 8000/- and

subsequently other CAS benefits may be re-adjusted accordingly. Therefore, concerned Head of Office may extend the financial benefit, if any, as may arise due to this which shall be provided to her as per procedure. This speaking order is issued in compliance with the order dated 23.08.2023 passed by the Hon'ble High Court of Tripura in W.P(C) No.528/2023.

-Sd

(NC Sharma)

Additional Secretary to the
Government of Tripura”

5. Mr. Nath, learned counsel for the petitioners has submitted that the petitioner in WP(C) No.142 of 2024 also has submitted representations on 10.01.2023 and 08.09.2023. The petitioner in WP(C) No.143 of 2024 has submitted representations on 24.11.2022, 20.12.2022 and 12.01.2024 and the petitioner in WP(C) No.144 of 2024 has submitted representations on 08.09.2021, 20.12.2022, 16.07.2021, 04.11.2022, but those representations have not been responded to.

Learned counsel for the petitioners has further submitted that the present petitioners have also received a copy of the order dated 12.12.2023 and again submitted representations stating *inter alia* that since they are similarly situated, the benefit of the order dated 12.12.2023 should also be extended to them. Mr. Nath, learned counsel for the petitioners has submitted that despite receipt of the representations, the respondents have preferred to keep silent for the reasons best known to them. It is urged by learned counsel for the petitioner that the grievances of the present petitioners are similar and identical to that of **Smt. Kaberi Majumder**(*supra*) and therefore, similar benefit should be provided to them in terms of the order dated 12.12.2023(*Annexure-21* to the writ petition) issued by the Addl. Secretary to the Govt. of Tripura, Department of Higher Education.

6. On the other hand, Mr. Gautam, learned counsel for the respondents-State in WP(C) No.143 of 2024 has submitted that the petitioner is not entitled to the reliefs he claimed in view of the present guideline of the Government since the prayers made by the petitioner would be governed by the present notification.

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

8. It is revealed from the order dated 12.12.2023 that Smt. Kaberi Majumder was found to be eligible to the CAS benefit w.e.f. 20.07.2007 and also subsequent movement thereafter. It is further revealed that the respondents had passed the following order extending the benefit in terms of the prayers made by Smt. Kaberi Majumder which is as under:

“NOW THEREFORE, Dr. Kaberi Majumdar, Associate Professor (Electrical), Tripura Institute of Technology (TIT), Narsingarh is hereby allowed to move to AGP of Rs.7.000/- after completion of 5(five) years of service as Assistant professor as on 20.07.2012 instead of 18.06.2013. In addition, Dr. Majumdar is also entitled to movement of AGP from 7000/- to 8000/- after 4(Four) years of service as CAS-I which fall on 20.07.2016 since she has acquired Ph.D between AGP 7000/- to 8000/- and subsequently other CAS benefits may be re-adjusted accordingly. Therefore, concerned Head of Office may extend the financial benefit, if any, as may arises due to this which shall be provided to her as per procedure. This speaking order is issued in compliance with the order dated 23.08.2023 passed by the Hon'ble High Court of Tripura in W.P(C) No.528/2023.”

9. It is found that the petitioners were appointed to the post of Lecturers vide notification dated 19.08.2008. Subsequently, they acquired Ph.D in between AGP 7,000/- to 8,000/-. So, in this respect the present writ petitioners are not to be treated differently from that of Smt. Kaberi Majumder because the present writ petitioners have also acquired Ph.D.

between AGP 7,000/- to 8,000/-. In view of this, non-extending of similar benefits to the present writ petitioner is arbitrary and discriminatory.

Accordingly, I direct the respondents to provide/extend the benefits of AGP 7,000/- to 8,000/- as well as subsequent movements on completion of 4(four) years to the petitioners.

The present writ petition stands allowed in the above terms.

JUDGE

Snigdha

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KAR

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