

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 180 OF 2024

Gouranga Chandra Sarkar, son of Late Monoranjan Sarkar,
Resident of village Dhwajanagar, P.O. Gokul Pur,
P.S. Radhakishorepur, District-Gomati Trpura, Pin-7991210,
Aged about 55 years.

...Petitioner

Vs.

- 1. The State of Tripura**, represented by the Commissioner and Secretary to the Fisheries Department, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division-Sadar, District-West Tripura.
- 2. The Commissioner and Secretary** to the Fisheries Department, Government of Tripura, having his office at New Capital Complex, Gorkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division-Sadar, District-West Tripura.
- 3. The Director of Fisheries**, Government of Tripura, having his office at Pandit Nehru Complex, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division-Sadar, District-West Tripura.

...Respondents.

For the petitioner (s) : Mr. Somik Deb, Sr. counsel.
Mr. P. Chakraborty, Advocate.

For the respondent (s) : Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

02.07.2024

Order

The instant matter has a long chequered history. The present petitioner along with others had filed writ petitions challenging the cancellation of their caste status certificates. The present petitioner's case number was WP(C) 462 of 2021 and while disposing of the writ petition along with other connected writ petitions, this Court had passed the following directions vide common judgment and order dated 22.03.2022 in WP(C) 461 of 2021.

“38. As a sequel, the writ petitions filed by the petitioners are allowed with the following consequential orders/directions:-

(i) The order of cancellation and confiscation dated 15.05.2021 directing the petitioners to return their Scheduled Caste certificates to the

office of the Director for Welfare of Scheduled Castes stands set aside and quashed.

(ii) It is held that the petitioners have established their claim for “Namasudra”, Scheduled Caste community.

(iii) The Scheduled Caste certificates granted in favour of the petitioners stand restored and these are treated to be valid in the eye of law for all purposes.

(iv) The petitioners shall be re-instated in service within a period of two weeks from the date the respondents and the employers of the petitioners shall receive a copy of this order.

(v) The termination orders issued by the respective employers upon the petitioners also stand quashed having no force in the eye of law.

(vi) It is further directed that the petitioners shall not be entitled to any back wages.

(vii) It is made clear that the petitioners shall be entitled to all service benefits including seniority and intervening promotions, if any; and

(viii) The pay and allowances of the petitioners shall be fixed notionally for the purpose of their pensions.”

Being aggrieved of the said judgment and order, the respondents-State and SLSC had preferred an intra-court appeal. After hearing the parties, the appeal was dismissed. Thereafter, the respondents-State filed SLP before the Hon’ble Supreme Court and by order dated 17.07.2023 Hon’ble Supreme Court had dismissed the SLP. The petitioner along with other similarly situated persons had approached the authority concerned to provide all benefits in terms of the common judgment and order passed in the writ petitions, but, till today it has not been complied with. Contempt applications were also filed and in the contempt applications, specific directions were made to implement the directions passed in the common judgment and order within a period of seven days, but, that order also had been violated compelling the present petitioner to file the instant writ petition.

When the matter has come up today for admission, Mr. K. De, learned Addl. G.A. has placed a Note of the department concerned to this Court wherein it is found that the concerned authorities have decided to provide all benefits including promotion to the petitioner and the entire process of promotion will be completed very shortly.

It is seen that in the meantime substantial time has been consumed for implementation of the said common judgment and order passed

by this Court. It is not expected from a benevolent Government and the employer.

However, considering the Note as stated here-in-above, I direct the respondents to implement the directions passed by this court in common judgment and order dated 22.03.2022 in WP(C) 461 of 2021 within a period of two weeks from the date of receipt of a copy of this order.

Learned Addl. G.A. is requested to communicate this order passed today orally to the department concerned immediately to expedite the compliance and not to wait for the certified copy of the order.

A copy of this order be supplied to learned counsel appearing for the parties during the course of the day.

With the aforesaid observations and directions, the instant writ petition stands allowed and disposed.

JUDGE



SANJAY GHOSH Digitally signed by SANJAY GHOSH
Date: 2024.07.02 16:57:50 +05'30'

Sanjay