

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.224 of 2024**

Prof. Dr. Kamalakant Sharma,
Son of Late Ram Gopal Sharma
Residing at Flat No. A2/503, Celina Aparments,
Behind Ranka Jewelers, Baner Road,
Pune-411045, Maharashtra.

----Petitioner in Person

Versus

1. Union of India

Represented by the Secretary to the Government of India,
Ministry of Education,
Department of Higher Education
New Delhi - 110001.

----Respondent No.1

2. The University Grants commission

Represented by the Chairman
Bahadur Shah Zafar Marg
New Delhi - 110002

----Respondent No.2

3. The Tripura University (A Central University),

Represented by the Registrar
Tripura University (A Central University)
Suryamaninagar - 799022
Tripura University Sub-Post Office,
P.S. Amtali, District West Tripura.

----Respondent No.3

4. The State of Tripura

Represented by the Secretary to the
Government of Tripura, Education (Higher) Department
New Secretariat Complex, P.O. Kunjaban - 799006
P.S. East Agartala, West Tripura.

----Respondent No.4

For Petitioner(s)	:	Petitioner-in-Person
For Respondent(s)	:	Mr. B. Majumder, DSGI, Mr. D. Bhattacharya, Sr. Adv. Mr. S. Saha, Adv.
Date of hearing	:	09.05.2024
Date of delivery of Judgment & Order	:	24.06.2024
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard the petitioner, Mr. Kamalakant Sharma in person, as he is not represented by any Learned Counsel. Also heard Learned Senior Counsel, Mr. D. Bhattacharya, assisted by Learned Counsel, Mr. S. Saha representing the respondent No.3. Heard Learned DSGI, Mr. B. Bajumder representing the respondent No.1, Union of India along with Mr. Suman Bhattacharjee, Learned Counsel representing the respondent No.1, i.e. the UGC. None appeared on behalf of the State.

02. The present petitioner has filed this writ petition claiming the following reliefs:

"(i) In the interest of justice and equity, this Hon'ble Court may graciously be pleased to issue Rule NISI calling upon Respondent, in particular Respondent No.3 Tripura University to Show-Cause as to why a Writ of Certiorari and/or Writ of Mandamus should not be issued directing to (1) produce all relevant records (2) compensate Petitioner for damage(s), loss etc. incurred to him and his family thereon including so far denied all legitimate service and pecuniary claims, benefits, privileges etc.

(ii) Initiate Proceedings for Contempt of Court, Defamation, Intentional Prima Facie Strict Liability of Negligence and/or Res Ipsa Loquitur etc. against the alleged Contemnor and/or otherwise Tripura University for deliberately willful disobeying Judgment and Order passed by this Hon'ble High Court on 25.01.2024 in Cont. Cas.(C) No.157/2023 arising out of W.P.(C) No.850/2022.

(iii) In the premises aforesaid it is prayed that Your Lordship may be pleased to consider above facts, Pass any other or further Order/s as this etc. of the case so that meaningful justice may be rendered to Petitioner. And the Petitioner as in duty bound shall ever pray."

03. In course of hearing, the petitioner drawn the attention of the Court referring the documents submitted by annexures and further submitted that inspite of repeated orders of the Court, the

respondent No.3, Tripura University has not complied with the Court's order and furthermore, no action was taken by the respondent No.3 on his communication dated 20.05.2023 i.e. annexure-4c of the writ petition and finally he submitted that he also filed contempt proceeding against the respondents and this High Court in the contempt case No.157 of 2023 dated 25.01.2024 given liberty to him to seek for further redress if the situation so warrants. Accordingly, he has filed this writ petition and urged before the Court to allow the same and to direct the respondents to consider his representation dated 20.05.2023 in letter and spirit.

04. Learned Senior Counsel, Mr. D. Bhattacharjee assisted by Learned Counsel, Mr. S. Saha appearing on behalf of the respondent No.3, i.e. the Tripura University submitted that this matter has got a long history. And this present petitioner, without any basis is filing cases one after another and his grievance has already been resolved by the respondent No.3 and after resolving of his grievance, nothing is left for the present respondent No.3 for compliance, and this present writ petition is nothing but to burden the respondent No.3 with unnecessary litigation and prayed for dismissal of this writ petition with costs.

05. Taking part in the hearing, Learned Senior Counsel first of all drawn the attention of the Court the earlier writ petition bearing No. WP(C) 577 of 2019 and submitted that in the said writ

petition, this Court by order dated 08.05.2019 has passed the following order. The operative portion of the order runs as follows:

(a) The petitioner shall make a detailed representation to the respondent No.3, which shall be in addition to the representations already on record. This he shall do so within a period of two weeks from today.

(b) Mr. Raju Datta, learned counsel appearing for the respondent states that with the receipt of the petitioner's representation and after ascertaining a convenient date from the Vice Chancellor, he shall inform the petitioner, the date when he can meet the former in his office. This he undertakes to do so within a period of one week from the receipt of the petitioner's representation.

(c) It is expected of the Vice Chancellor/respondent No.3 to have the petitioner's case examined, in accordance with law, expeditiously and not later than two months, thereafter, Order assigning reasons shall also be caused to the petitioner.

(d) Petition is disposed of reserving liberty to the writ petitioner to approach the Court, if so required, subsequently on the same and subsequent cause of action.

With the above observations and directions, the present petition stands disposed of."

06. Thereafter, this present petitioner filed another writ petition which was numbered as WP(C) 1361 of 2019 and the then Hon'ble the Chief Justice, after hearing both the sides, by judgment dated 20.10.2020 was pleased to dispose of the said writ petition. For the sake of convenience, I would further like to refer the relevant para No.11 of the said judgment, which is as follows:

"11. None of the principal claims of the petitioner can, therefore, be allowed. However, there is one aspect which still remains to be examined and that is of delay in releasing his post retiral benefits such as, leave encashment, gratuity and payable pension. As noted, a sum of Rs.51,62,074/- was paid to the petitioner on 01.10.2019 whereas he retired as far back as on 31.03.2007. In the communication dated 09.07.2019 the Vice Chancellor, as noted above, had stated that an offer for payment of such dues was made under letter dated 09.07.2010 but no such letter is produced on record. I am sure there is a typographical error and the correct date of

the communication may be 09.07.2019. In the affidavit in reply, the University has stated that the such dues were sanctioned on 26.9.2019. In any case, there is no explanation why the petitioner was not earlier paid such post retirement benefits. The petitioner may be agitating his various claims of higher retirement age or higher pension under CCS(Pension) Rules. Whether his claims were justified or not is not important. The University on its own ought to have released his legitimate dues which according to the University he was entitled to. Merely because the petitioner was clamouring for higher benefits, would not permit the University to withhold his such post retiral benefits which even according to the University were payable to him. These benefits were not in the nature of mutually exclusive claims. Pendency of the litigation initiated by the petitioner, therefore, cannot be the ground on which the University could have withheld such dues. Claim for interest may not have been specifically made in the petition, however, it is consequential in nature. The University, therefore, must pay interest on such delayed payment. The petitioner retired w.e.f. 31.03.2007. Considering three months of period as reasonable for clearing all such dues, the respondents shall pay simple interest @ 7% per annum on the said sum of Rs.51,62,074/- from 01.07.2007 till payment i.e. 01.10.2019. Such amount shall be paid over within a period of 4(four) weeks from today. Rest of the claims of the petitioner are rejected."

07. Challenging that judgment, the respondent No.3 preferred an appeal before the Division Bench of the High Court, which was numbered as W.A. 449 of 2020 and the Division Bench of this High Court, by judgment and order dated 13.12.2021 also dismissed the appeal. For the sake of convenience, I would further like to refer the relevant para Nos.5 and 6 of the said judgment which are as follows:

"5. We have perused the impugned judgment and we find that admittedly, a total sum of Rs.51,62,074/- was paid to the writ petitioner on 01.10.2019. A query was made to the learned respondent appearing in person as to which manner the aforesaid amount was paid to him. In response, he stated that the said amount was deposited by the appellant-University in his bank accountt. This fact alone establishes the issue that if such recourse could be adopted by the University on 08.10.2019, there was no justification whatsoever in retaining any amount due to the private respondent towards arrear salary etc. including pension for such a long

period of time. Admittedly, the private respondent retired as early as on 31.03.2007 and the appellant University took more than 12 years to effect the said payment.

6. Consequently, we are of the considered view that retention of the amount due to the writ petitioner (private respondent) for such a long period of time was unacceptable and obviously caused financial loss to the private respondent. This formed the foundation and/or the basis for the Hon'ble Single Judge for directing payment of interest at the rate of 7% per annum on the sum of Rs.51,62,074/- from 01.07.2007 till payment i.e. 01.10.2019. We find the aforesaid direction passed by the Hon'ble Single Judge to be absolutely judicious and absolutely necessary to meet the ends of justice and accordingly, find no merit in the present appeal and accordingly direct dismissal of this appeal. We further observed that admittedly till date the interest as directed by the Hon'ble Single Judge has not been paid. We therefore, grant the University further 4(four) weeks time to effect payment of the interest as directed by the Hon'ble Single Judge and we make it clear that if the interest is not paid to the private respondent within the period as directed, the University shall be called upon to pay further interest up to the date of actual payment at the rate stipulated by the Hon'ble Single Judge."

08. Thereafter, the respondent No.3 again preferred one review petition before the Division Bench of this High Court, which was numbered as Rev.P.No.07 of 2022 and the Division Bench of this High Court again by order dated 18.04.2022 disposed of this petition with the following observation:

"The private respondent appears in person and contends vigorously otherwise. He asserts that the computations made by the University are erroneous. However, in our considered view, since the University has already computed a sum of Rs.22,10,175/- as interest due and payable to the private respondent, we find no justification as to why the said amount has not been released in favour of the private respondent. Consequently, we direct as follows:

(i) The interest directed by the learned Single Judge as well as by the Division Bench on the amount payable/paid to the private respondent shall be computed from the date on which it became due and payable to the private respondent till the date of actual payment.

(ii) Further we direct the review petitioner to release the amount found due and payable as noted hereinabove in favour of the private respondent within a period of 2(two) weeks from today.

(iii) The private respondent is granted liberty to raise his objections regarding the computations made by the University in the present review petition and raise his objections before the University within a further period of 2(two) weeks, i.e. 4(four) weeks from today.

(iv) If and when such representation is made, the same may be considered by the University in accordance with our aforesaid directions and disposed of within a further period of 4(four) weeks therefrom. Nothing stated in this order shall affect the interest of either side. Any party aggrieved by the outcome of such proceedings is at liberty to approach this Court.

With the aforesaid observations and directions, the review petition stands disposed of."

09. Thereafter, Learned Senior Counsel further drawn the attention of the Court that by the said judgment/order a direction was given to the present petitioner to submit one representation to the respondent-Tripura University and a direction was given to the respondent No.3 to consider the representation within a further period of four weeks.

10. After that, due to some administrative reasons, some delay was caused to dispose of the representation of the petitioner by the University. However, the respondent No.3 against the representation of the petitioner dated 16.12.2022 and 16.01.2023 by a speaking communication disposed of the matter of the petitioner and the communication was made by the Registrar, on behalf of the Tripura University. For the sake of convenience, I would like to mention herein below the details of communication forwarded by 21.03.2023 by the Registrar, to the present petitioner:

No.F.TU/REG/PEN-02/07(V-I) Date:21.03.2023

**To
Prof. Dr. Kamalakant Sharma
PFlat: A-2/503, Wellworth Celina Apartments,
Behind Ranka Jewellers
Baner Toad, Baner**

Pune-411045, Maharashtra
Email:kshrmah@gmail.com

Subject:Equitable, fair and just delivery of legitimate claims and dues et al- reg.

Sir,

Please find the reply with reference to your letter dated 16.12.2022 and 16.01.2023 on the above mentioned subject:

1.Reply to prayer no (i). The petitioner is entitled to Gratuity amounting to Rs.2,40,000/-. The full and final gratuity amount has already been paid to the petitioner on 01-10-2019. The petitioner is guided under CPF scheme.

2. Reply to prayer no. (ii). The petitioner is not entitled to pension under CCS Pension Rules 1972. When he was in service he was guided by West Bengal Stated aided University Scheme 1986 and he has been drawing pension as per the West Bengal State Aided Universities (Death-cum-Retirement Benefit) Scheme 1986. The Petitioner superannuated from the post of Professor of Mathematics on 31-03-2007 after attaining the age of 60(sixty) from Tripura University during the State period. Subsequently, Tripura University was converted into Central University w.e.f. 02-07-2007.

3. Reply to prayer (iii & v). As per the judgment dated 20-10-2020 in W.P(C) 1361 of 2019 the matter regarding the eligibility for promotion under CAS has already been decided. It was observed by the Hon'ble High Court that "Regarding his date of promotion under CAS, the University's stand is that as per the recommendation of the committee he was granted such promotion w.e.f. 29-04-2003. His case is that the same should been granted w.e.f. 05-12-1993 from the date of his eligibility. It is well settled that mere eligibility for promotion does not automatically result into right of promotion. Such promotion depends on range of factors including suitability of the employee concerned. Nothing is produced on record that to suggest that the decision of the University based on recommendations of the expert committee was irregular or illegal. More importantly, if according to the petitioner, he should have been promoted in the year 1993, he ought to have ventilated his grievances before appropriate forum within reasonable time. First time he raised this issue in the previous writ petition being W.P(C) No.577 of 2019. Any such prayer would thus be hopelessly barred by delay and laches."

4. Reply to prayer no (iv). As per the judgment dated 20-10-2020 in W.P(C) 1361 of 2019 it was observed by the Hon'ble High Court that "His request for shifting over CPF to GPF was also correctly not accepted. Firstly, such a prayer was made long after retirement. Secondly, there is no basis shown under which such a fresh option was made available to the employee be the University."

5. Reply to prayer no(vi). As per the judgment dated 20-10-2020 in W.P(C) 1361 of 2019 it was observed by the Hon'ble High Court that "Lastly,

his request for reimbursement of amount of expenditure for his shifting to home town cannot be granted because there is no provision for reimbursement for shifting to home town after retirement under the rules of Tripura University as a State University.

6. Reply to prayer no (vii). That it is crystal clear from the records that the Tripura University did not cause any damages, loss etc to the petitioner or his family. These allegations are baseless, concocted and are only done to malign the reputation of the institution. The petitioner had retired from the post of Professor on attaining the age of 60 years. Accordingly, he superannuated w.e.f. 31-03-2007 when he attained the age of 60 years on 16-03-2007. The petitioner fails to show under which provision of law the services of the petitioner be continued upto the age of 70 years.

7. Reply to prayer no (viii, ix, x). The prayers made by the petitioner are repetitive and the same has been decided by the Hon'ble High Court of Gauhati in W.P(C) No.303 of 2010 which was dismissed by Judgment dated 22-12-2011. Dissatisfied by the judgment the petitioner preferred W.A no.07 of 2012 which was also dismissed by judgment dated 25-04-2012. The petitioner thereupon filed SLP before the Supreme Court, which was also dismissed by order dated 13-02-2017. Subsequently the petitioner had filed another writ petition before the High Court of Tripura being W.P.(C) 577 of 2019 which similar prayer with a direction to make representation to the Vice Chancellor of the Tripura University. The petitioner made his representation to the Vice Chancellor of the Tripura University on 15-05-2019. The Vice Chancellor of the Tripura University to him on 09-07-2019 in which most of his prayers were rejected. Subsequently the petitioner had filed another writ petition before the High Court of Tripura being W.P(C) 1361 of 2019 which was disposed off by judgment dated 20-10-2020. Subsequently appeal was filed by the Tripura University being W.A 449 of 2020 which was dismissed by order dated 13-12-2021, subsequently the Tripura University had filed Rev. pet No.07 of 2022 which was disposed off by order dated 18-04-2022. The directions of the Hon'ble High Court was complied with and all the dues along with the interest amount has been paid to the petitioner. The interest payable on delayed payment of retiral benefits was made in accordance to the direction of the High Court of Tripura in Rev. pet No.07 of 2022. The details of the payment is PFMS Transaction ID C042248174856 dated 29-04-2022. The interest amount calculated and paid a sum of Rs.22,10,175/- as per the order of the Hon'ble High Court of Tripura. No erroneous calculation has been made by the University.

Hence the prayers made by the petitioner are rejected, these prayers were already decided by the Hon'ble High Court of Gauhati, High Court of Tripura and Supreme Court of India in several petitions filed by the Petitioner on the same

ground. However as per the directions of the High Court of Tripura passed in W.P(C)850 of 2022 by order dated 14-12-2022, Tripura University has meticulously gone through all your prayers and on the above mentioned facts and circumstances reject the prayers made by you in your representation dated 16-12-2022.

With regard.

Yours faithfully,

(Dr. Deepak Sharma)
Registrar

11. Thereafter, the present petitioner further without any basis just to harass the respondent again made another representation on 20.05.2023 i.e. annexure-4(C) of the writ petition which provides as under:

Prof. Dr. Kamalakant Sharma

Flat: A-2/503, CELINA Apartments, Behind Ranka Jewellers, Baner Road, Baner, **PUNE-411045**, Maharashtra, Mobile: +919822310052, **e-mail: ksharmah@gmail.com**

MOST MOST IMMEDIATE 20th May, 2023

The Vice-Chancellor,
Tripura University (A Central University)
Suryamaninagar,
Tripura University Sub-Post Officer-799022,
Tripura (West)

Sub.: Equitable, fair and just delivery of legitimate claims and dues et al

Re.: Judgement and Order dated 14.12.2022 passed by the Hon'ble Chief Justice (Acting), High Court of Tripura: Your letter no.F.TU/REG/PEN-02/07(V-I) dated 21.03.2023 responding to compliance letter dated 16.12.2022 and Reminder dated 16.01.2023

Sir,

Extremely sorry for delay due to exigencies (with incurrences of huge all-round expenses, mental agony, sufferings etc) of very often hospitalizations in ICU, most recent 3 Major Surgeries and still under follow-up observations for 1 more of my wife (aged 72 years suffering from Sub-Acute Cerebral Ataxia, CAD, HTN, Diabetes Miletus, Cancer of Breast & Uterine system had subsequent several major surgeries earlier also) & my several humble requests seeking necessary actions redressing perpetual continuing denials of Equitable, Just delivery and settlements of legitimate Rights, Claims, Dues, Privileges etc. therof Prof. Dr. Kamalakant Sharma, Petitioner-in-Person (Written Petitioner henceforth) most humbly aver that the letter of
Tripura University No.
F.TU/REG/PEN-02/07(V-I) dt.21.03.2023

(Written Your letter henceforth) in response to representations of Petitioner dt.16.12.2022 & 16.01.2023 (Written Letter henceforth) complying with Judgement & Order passed on 14.12.2022 in W.P.(C) No.850/2022 by Hon'ble High Court of Tripura, Agartala, succinctly put, being committing Contempt of Court; Negligence per se and/or Res Ipsa Loquitur; deliberately ulterior motivated palpable intent to Defame, not to stop victimization and/or torture, redress grievances, let Petitioner and his family recover from serous conditions and/or situations of Life & Liberty, harassment, mental agony etc.; no discipline in Financial and Administrative Systems of the Tripura University etc. indicated very clearly,

"Presently the University does not have an independent Internal Audit Cell. An officer of the Finance Branch is assigned the task of pre-audit scrutiny of purchase proposals and payment vouchers as per the Rules. However, the bulk pasts of the University functioning such as implementation of developmental plans, execution of construction projects, budget control, service records, pension records, payments of allowances and other benefits as per the CCS Rules and GFR are not often followed and holing gaps are left. Establishment of an Independent Internal Audit Cell is essential to bring about discipline in the overall functioning of the financial and administrative systems of the University."

In "Statistical Data Fact Sheet of Tripura University" which in fact being "UGC_Data_Final 310112" and that being the position evidently most illegal, verily discriminatory, arbitrary, highly prejudiced, selective, subjective use and/or applications of so-called University Rules been done creating holing gaps and completely against the mandatory CCS Rules, GFR etc. victimizing particular employees e.g., Petitioner even after lapse of 16 years (considerably long period of time) thereby confirming that functioning of the Tripura University (Written University henceforth) being still arbitrary, egregiously severe abuse and non-compliances of Statutorily mandatory legitimate Administrative and/or Financial Laws, CCS Rules, FR & SR, GFR 2005 etc. as amended from time to time; violations of Indian Evidence Act 1852, relevant Sections of IPC and/or CrPC (e.g. Sections 166,188,218); Articles 14, 16 and 21 of Constitution of India 1950; Conspectus of Elements, Incidents and Flows of the "Pension" [vide Delhi High Court WP(C) No.1724/2017 in H N Sharma & Ors vs Govt of NCT of Delhi & Ors on 21.08.2020], "Under Proper Acknowledgement" [vide "A Declaration/Assertion/Open Confession/.... in accordance with the established Jurisdictions, Laws, Procedures.... authenticating legal instruments preventing fraudulent executions/false instruments/...], "It was made clear to you", "Official Communication-gap"; Principles, Applications and/or Testing of the Processes of Analytics and/or Decision Making and/or Causality and/or Public Policy under

grounds of Irrationality, Procedural Impropriety and Illegality and inter alia for ensuring the certainty of Justice; Equity; Fair; Natural Justice; Fundamental rights and other rights etc. in view of apart from those already stated in WP(C) No.1361/2019, Rejoinder to Counter Affidavit by Tripura University and Counter Affidavit as Respondent in I.A. No.1/2020 in W.A. No.449/2020 (Written WA henceforth), REV.PET. No.7/2022 (Written RP henceforth) filed by the University & as Petitioner in WP(C) No.850/2022 (Written WP henceforth) following circumstances, claims, events etc. as shown below:

I. That for all practical purposes Tripura University been deliberately deleteriously ignoring WP and Affidavits-in-Opposition of Petitioner in responses to their WA and RP, Indian Evidence Act 1852, Govt. of India Record Retention Policy & relevant Sections of IPC and/or CrPC(e.g.Sections-166, 188, 218); Articles 14, 16 and 21 of the Constitution of India 1950, several Judgements & Orders latest being in W.P.(C) No.850/2022 dated 14.12.2022 passed by Hon'ble High Court of Tripura, Agartala, wherein at Para:7 being directed "...The Vice-Chancellor shall take a pragmatic approach in the matter considering the age and health condition of the Petitioner as a senior citizen who is now around 75 years old. If the decision is taken to make the payment, the same shall be paid expeditiously. In the event, if the University is disputing any claims, the said decision shall be communicated to him under proper acknowledgement" and his aforesaid Letter as shown below:

(Bold and underlined shown by Petitioner)

A) That even though earlier also relevant necessary Documents, Records, Files et al relating to Service Records including even Service Book of Petitioner, copies of Statutorily mandatory Rules, Regulations etc. [vide Letter No.F.3(243)TU/02 dated 07.06.2005 of Finance Officer, Tripura University, to Director of Higher Education, Govt. of Tripura] being not available owing to missing and/or destruction by frivolous and malicious plea "the information sought for is not available as these are not kept in custody" and hence weeded out. It is to be noted that on 20.11.2017 even CPIO/Registrar (i/c)/Jt. Registrar had been awarded a token penalty of Rs.5,000/- deductible from his Salary with stern warning stating that in order to make the CPIO realize enormity of the neglect, carelessness towards his duties as CPIO and not to demotivate Registrar/CPIO, Tripura University, by imposing maximum penalty of Rs.25,000/- u/s.20(1) of RTI Act, 2005 by the Hon'ble Information Commissioner, Central Information Commission, New Delhi.[vide RP Para:3vii(C) Page: 81, Para:3viii Page:82; Letter para: A(b) Page:5,Para:A(q)Page:9] shockingly the aforesaid Your letter being the latest classy example of deliberate ulterior motivated palpable intent of severe abuse of Judicial Systems, Law, Proceedings etc. thereof & violations of Indian Evidence Act 1852, Govt. of India Record Retention Policy and relevant Sections of

the IPC and/or CrPC (e.g. Sections-166, 188, 218); Articles 14, 16 & 21 of Constitution of India 1950 by adopting and/or adapting e.g., to produce none of corroborating Documents, Papers, Records etc. relating to Imputations, Claims, Statements, Assertions etc. of the University and/or refuting those of the Petitioner in view of following circumstances, event, facts etc., for example, as stated below:

(i) That Statutory Statements of Initial and Subsequent Fixations of Pay and/or Pension in the Revised U.G.C. Pay Scale 2006 and thereafter of Petitioner and Copy of Memo No.F.175-Edn(U)/EH/TU-10/2020 dated 14.02.2020 not been supplied to-date.

Also, reimbursement of amount paid by Petitioner against Group Insurance is still unknown.

(ii) That apposite Facilities and Full Reliefs in the Assessment and Computations of Amount of Income Tax payable against receipt of the Arrear of Salary and/or Pension, Commutation of Pensions and Cash Equivalent of Leave Salary applicable to the Employees of State and/or Central Universities been deleteriously denied to the Petitioner by not issuing the mandatory Income Tax Form No.16 and/or Form No.10E necessary for filing of the Income Tax Returns claiming these being not issued to Retired and/or Pensioners leading to wrong Assessments and Demand Notices by the Income Tax of India for the Payment of huge Amount of Income Tax treating Petitioner as Contractual and/or Purely Temporary Employee holding the Post of Professor of Mathematics in the Tripura University (then a State University) therefor. It is pertinent to note here that after persistent reminders by e-mails and phone calls to concerned Authorities of the University for its issue enabling him submit them to Department of Income Tax surprisingly and shockingly Partially filed Form No.16 with PAN Number applicable for a Company not State/Central Government dated 18.02.2022 only for the Period 01.04.2019 to 31.03.2020 (FY 2019-20/AY 2020-21) been sent by e-mail on 25.02.2022 while the same for subsequent periods are yet to be received by Petitioner.

(iii) That in response to representation dated 15.05.2019 of Petitioner complying with Judgement & Order dt.08.05.2019 passed by Hon'ble Chief Justice of Tripura, High Court of Tripura, in the WP(C) No.577/2019 as desired by Prof. Dr. V.L. Dharurkar, the then Vice-Chancellor, Tripura University, a very brief meeting with Petitioner in presence of Mr. M. M. Reang, then Registrar (i/c) & Jt. Registrar, and an Officer, Finance Branch, Tripura University, been held at 02:00 PM in his Chamber on 21.06.2019 wherein acknowledging inflictions of injustices at the very outset had assured most immediate expeditious reliefs and redressal of grievances by forming a Committee & all relevant corroborating Documents, Papers etc. to be produced therein by the University in presence of the Petitioner for hearing and arriving at the final decision/(s)

before the last date given as Ordered by the Hon'ble High Court of Tripura. It is pertinent to note here the following sequence of events, facts etc. that

➤ Surprisingly & shockingly contentious letter No.F.TU/REG/PEN/17/2019 dated 09.07.2019 of the University been signed by Prof. M.K. Singh as Registrar(i/c) while 33rd Meeting of Executive Council, Tripura University, on 30.08.2019 attended and signed on the same day 30.08.2019 by Prof. B. K. Datta as Registrar(i/c) & Ex-officio Secretary, Executive Council, Tripura University, but on 06.09.2019 by Prof. Dr. Dharurkar, Vice-Chancellor, Ex-officio Chairman, Executive Council, who resigned from Post of Vice-Chancellor w.e.f. 07.09.2019 handing over charge to Prof. S. Sinha, Senior-most Professor, T.U., and that in Proceedings 33rd Meeting of Executive Council vide F.TU/REG/EC/33A/2019 dated 30.08.2019 been stated "In case of Prof. K.K. Sharma, recommendation of the Committee constituted vide No.TU/REG/FDC/02/2014 Vol-III dated 28.08.2019 to look into matter of pension and other service benefits as claimed by Dr. K. K. Sharma is accepted and approved" [vide: Agemda 28/33/2019: To place pension matters of Dr. Sumanash Dutta, Ex-Reader, Department of Economics, T.U. and Prof.(Retd.) K.K. Sharma, Department of Mathematics, T.U.] and no copy of recommendation(s) of aforesaid Committee confirming deleteriously vindictive intents of the University in view of

(α) In aforesaid meeting on 21.06.2019 at 2:00 PM despite commitment of Vice-Chancellor Sir in his Chamber and several representations of Petitioner thereafter *no* such Committee for hearing and arriving at decision/(s) in presence of the Petitioner been constituted and/or Meeting held by the University thereof vis-à-vis recommendation(s) of aforesaid meeting being unknown to Petitioner to-date.

(β) Representation dated 18.07.2019 of Petitioner rebutting egregiously malicious frivolous vexatious fabricated imputations, claims etc. stated in the contentious letter dt. 09.07.2019 been ignored deleteriously and no responses by the University despite reminders thereof.

B) That deliberate ulterior motivated palpable intents to do no Homework and/or to go through already available Papers, Documents, Records etc. and/or Administrative and/or Financial Actions, Decisions etc. & adopting and/or adapting Models, Systems, Processes, Decisions, Actions and/or follow-ups etc. thereof leading to completely vindictive, irregular, irrational, illegal Actions and/or Decisions therefor in view of following events, facts, circumstances etc., for example, as shown below:

Reply No.1 of Your letter dated 21.03.2023:

Despite the fact that for post 01.01.2006 retirees admissible maximum amount of Gratuity being Rs.10,00,000/- & as per calculation by Tripura University on 01.10.2019 the amount payable as

Gratuity being Rs.6,46,200/- and Pre-Revised Last Basic Pay of the Petitioner Rs.20,450/- (excluding DA: Rs.13,088/-, CA: Rs.200/-)[vide RP Annexure-4 Page:415] the University paid Rs.2,40,000/- as Gratuity to Petitioner claiming it as admissible maximum Revised Amount of the Pre-Revised maximum amount Rs.35,000/- violating CCS Rules & No.F.8(8)-FIN(G)/2010 dt.23.12.2010, Finance Dept.(Pension Cell) and No.F.1(499)-DHF/98 dt.26.03.1999, Govt. of Tripura Edn. Dept. (Directorate of Higher Edn.) "The revision of pay-scales of Tripura University teachers including Vice-Chancellor and Officers/other Academic Staff" vis-à-vis without providing any supporting Document, Record etc. thereof. Also, as decided by the then Finance Officer Prof. Dr. Sangram Sinha, Department of Life Science (Botany) and duly affirmed by the then Vice-Chancellor Prof. Dr. Arunodaya Saha that only available for employees of erstwhile CUPG Centre being CPF (called University Provident Fund) Scheme and so for the GPF opted Petitioner [vide Tripura University First Ordinances 1989 Chapter-V Section 30, Provident Fund, Page-14]

Reply No.4 of Your letter dated 21.03.2023

Petitioner was/is eligible for shifting from aforesaid CPF(called University Provident Fund) Scheme to GPF Scheme even as per latest Judgment and Order of Hon'ble Supreme Court of India [vide University of Delhi vs Shashi Kiran & Ors, C.A. No.003797-003809 of 2022, AIR 2022 SC 695].

It is pertinent to note here that CPF (called University Provident Fund) Scheme being very distinct from generally known CPF "The Contributory Provident Fund Rules (India) 1962" and fact that Petitioner being (General Provident Fund) GPF opted [e.g., Pay Slips for July 2006, September 2006 as Annexure:1 Page:20] & even after 6 months of prejudiced illegal sudden retirement on 31.03.2007 as asked on 28.09.2007 for the resubmission (Receipt No.1490) of desired 3 sets of Forms for option "The Provident Fund and Retirement Benefits of the employees of the Tripura University Rules 1998", Photographs, Documents, Papers etc. duly signed by Petitioner, his Wife and 2 Witnesses and attested by Registrar (Offg.) Dr. K.B. Jamatia, Petitioner been deleteriously and wrongly denied shifting from CPF System. [vide RP Para:3vii(b) Page:80; Letter Paras: A(b) Page:5, A(1) Page:6, A(q) Page:9; Annexure:1]

Reply No.5 of Your letter date 21.03.2023

That your imputation:"There is no provision for re-imbursement for shifting to home town after retirement under the rules of Tripura University as a State University" being false, devoid of truth deleteriously malicious [vide Item No.9 of Annexure under G.T., F.D.'s O.M.NO.F.2(18)-FIN/PAYCELL82 dated 10.12.1982 (T.A. Rules of the State of Tripura Rule-8 Transfer T.A. on Retirement/Death: The Govt. Servant in the event of retirement may be allowed the freedom to settle down in a station of

his choice & will be entitled to transfer TA subject to amount being limited to what would have been admissible to him had he proceeded to his declared hometown)] and several representations since 03.10.2007 to the Registrar, Tripura University, seeking his immediate active guidance regarding admissible Allowances, facilities etc. on Retirement and non-availability of requisite Forms with the University justifying impeccably claims for reimbursements of expenditure of Rs.98,029/- for shifting of Petitioner with his family to their Hometown on retirement and Rs.26,882/- against travel for aforesaid meeting with Vice-Chancellor Sir on 21.06.2019 as assured by him but all in vain. [vide RP Pages:189-199,266-272]

1) As stated in Judgement and Order passed by Hon'ble Single Judge on facing of difficulties during Hearing held through Video conferencing in WP(C)No.1361/2019, humbly praying for allowing in the interests of Equitable, Fair, and Natural Justice on circumstances, events, facts etc. raised, Petitioner in Affidavit-in-Opposition to your RP had responded justifying point-wise averments with evidences thereof at Para:3(a)(v) Page:6 undeniably confirming that Your letter dated 21.03.2023 being impeccable example of severe abuse of the Judicial Systems and/or Processes etc. and/or treating with hostile discrimination, violations of the Indian Evidence Act 1852, relevant Sections of the IPC and/or CrPC (e.g., Sections-166,188,218); Fundamental rights and other rights, Articles 14, 16 and 21 of the Constitution of India; continuances of perpetual torture, victimizations e.g. illegal sudden retirement of Petitioner, withdrawal of legitimate stepping up in his Pay, giving illegitimate benefits to then Reader in Life Science (Botany) Prof. Dr. Sangram Sinha despite he being not only very much Junior to the Petitioner but also a candidate for the same causes in view of already stated averments and following Noting and/or Decisions thereof as stated in hereby attached [Annexure:2 Pages:20-32 of this letter] scanned portions of relevant Office File as Notes and follow-ups thereof and following circumstances, events, facts and/or Systems, Models etc.

a) Interest @7% on delayed Payment from 01.04.2007 to date of actual Payment:

Non-entitlement of Simple interest @7% per annum from 01.04.2007 to the date of Payment of Rs.51,62,074/- on 01.10.2019 and/or on the Arrears of Pension for the period of 11 years from 2009 to 2019 (vide Grounds:Para-C of their WA) as claimed by the University being highly deleteriously prejudiced, fallacious, incorrect etc. in view of the Punjab and Haryana High Court Order in case of J.S. Cheema vs. State of Haryana, 2014(13) RCR(Civil) 355 wherein been held that an employee will be entitled for the interest of an amount which has been retained by the Respondents without any valid justification. Further, in case of S.K. Dua vs. State of Haryana and Anr., 2008(1) SC 331JT (2008) 3 SCC 44 been held that even in absence of Statutory Rules,

Administrative Instructions or Guidelines, an Employee can claim Interest under Part III of the Constitution relying on Articles 14,19 and 21 of the Constitution of India. Also, in addition to whatever other relief Writ Petitioner may have whether by way of moving the Court under Article 215 of the Constitution of India, or otherwise, Respondents shall be liable to make Payment of Additional Penal Simple Interest at the rate of 2% per Annum on the Sum due as on today on account of such Interest for the delayed disbursement.

Further, Payment of interest not only on the delayed total amount of Payment of Rs.51,62,074/- @7% per annum from date on which it became due and payable on 01.04.2007 to date of payment on 01.10.2019 but also on delayed actual total payable Amount arrived at after its Computations on apposite Schemes [vide: Ram Bilash Singh vs The State of Bihar & Ors, Patna High Court CWJC No.1628/2019 dated 10.12.2020 and State of Kerala & Ors vs Padmanabhan Nair, AIR 1985 SC 356 referred on 22.04.1997 by Hon'ble Gauhati High Court, Agartala Bench, in Govt. Pensioners Association vs. State of Tripura; this WP Para:2 Pages:57-58].

b) Surprisingly and shockingly you have not even seriously gone through the Judgement and Order of Hon'ble High Court of Tripura as stated by you at para 5 of aforesaid contentious letter(Re: Brief Meeting for 30minutes on 21.06.2019) wherein everything was made clear but without producing any sort/(s) of supporting Documents, Papers etc. and unfortunately even leading Hon'ble Single Judge to error in his Judgement & Order passed on 20.10.2020 rejecting Principal claims despite his appreciable efforts trying to understand and settle grievances of *Petitioner* vis-à-vis Affidavits-in-Opposition of the Petitioner to your WA and/or RP, letter dated 18.07.2019 and the aforesaid Letter dated 16.12.2022 wherein your deleteriously deliberate ulterior motivated palpable intents been crystal clearly exposed.

[Bold and Italic supplied by Petitioner]

c) Illegal sudden Retirement of Petitioner and his drawing of Pension thereof:

Annexure:2a [vide: Page 21 of this letter]

Note

On 21.3.2007 O.S. noted

The Application dated 20.3.2007 of Head, Dept. of Mathematics. TU, regarding service of Prof. K. Sharma going to completed his service of 60 years on 16.03.2007

Submitted for kind perusal and decision by authority.

To which on 21.3.06 concerned Supdt. Noted

Necessary Office Memo may be issued, if so desired by the authority to Professor Sharma & intimation to Finance officer, may treated most urgent.

To which on 21.3.07 Registrar (Offg.) Dr. K. B. Jamatia noted

Dr. K. Sharma, Dept. of Mathematics may be informed accordingly and pensionary forms may also be sent to him.

To which on 21.03.07 V.C. noted

Action may be taken as per statute

For example,

Reply No.2 of Your letter dated 21.03.2023:

Succinctly put, evidently aforesaid Note confirming deleterious sudden illegal retirement of Petitioner by Memo No.F.2(14-32)-TU/87 dated 21.03.2007(just 10 days before 31.03.2007 without Pensionary and/or any sort(s) of Forms as claimed herein) completely ignoring the direction of then Vice-Chancellor for actions as per Statutes despite having acute shortage of teachers in the University and its Affiliated Colleges creating further shortage of teachers compromising with the quality of Education imparted to the students violating the Tripura University The First Statutes 1989, Tripura University First Ordinances 1989 CHAPTER-III Section 1.7 Retirement of Teachers providing for issuance of Notice before the date of Retirement and/or Re-employment of Teachers on completion of 60 years therefor and also Judgement & Order in case of Dr. Uma Agarwal vs State of UP & Ors., INSC 89(22.03.1999) and directions under U.G.C. Guidelines to overcome the shortage of teachers, enhancement of age of Retirement of University and College teachers engaged in the class room teaching holding teaching positions on regular appointment against sanctioned posts on 15.03.2007 been increased from the period of 62 years to 65 years with further provision of extension up to age of 70 years.

➤ Your imputations that "The Petitioner is not entitled to Pension under CCS Pension Rules 1972..... West Bengal State Aided University (Death cum Retirement) Scheme 1986" being completely egregious, vexatious, deliberate, deleterious, completely at variance with your averment in WA and RP of adopting the "West Bengal State Aided University (Death cum Retirement) Scheme, 1999" and facts that "West Bengal State Aided University (Death cum Retirement Benefits) Scheme 1986" named "Old Scheme 1986" applicable for Retirees from 01.01.1986 to 01.05.1999 introduced in 1991 which been subsequently replaced by the New Schemes applicable for retirees from 02.05.1999 and/or 01.01.2006 by the Govt. of West Bengal. It needs to note that Memo No.464(30)-Edn(U) dated 13.08.2010 being "Modified OLD Scheme" for those who retired in 1986 or those not eligible for the "New Scheme 1999" introduced in 2000 but the University been on complete "Silence" and/or "No response to representations of the Petitioner" mode in this regard (e.g., dated 19.12.2008, 07.01.2009, 21.01.2009, 21.02.2009, 09.07.2009, 09.06.2010) as if Petitioner retired in 1986 not 2007 which been further corroborated by erroneous Sanctions,

Computations and Payments of Arrears of Salary and/or Pension vis-à-vis other allied Pensionary and/or Terminal Benefits based on the Scheme applicable for retirees under 3rd CPC not 6th CPC therefor. In fact, the Petitioner had been informed at Agartala during his visit to the University by aforesaid letter dated 09.07.2010. Petitioner had protested this letter by his representation dated 03.08.2010.

➤ Petitioner been deleteriously denied available apposite Schemes under CCS Pension Rules 1972 or The Provident Fund and Retirement Benefits of employees of Tripura University Rules 1998" (vide Extraordinary Issue of Tripura Gazette No.F.2(450-99)-DHE/UDCA/95 dated 19.07.2002) and Govt. of Tripura Rules as amended from time to time applicable for retirees from 01.01.2006 as earlier & as in case of other retirees [vide RP Pages:151-153].

➤ Also, Pension, Arrear of Salary and/or Pension and other Allied Pensionary and/or Terminal Benefits had been neither Paid nor Drawn after sudden illegal retirement on 31.03.2007 of Petitioner till 01.10.2019 as fallaciously imputed in Your letter. [vide: Letter dated 16.12.2022 Paras: A(m), A(n), A(q) Pages: 8-9, Paras:A(x), A(y) Page:12]

d) Selection and subsequent Date of effect of Promotion to the Post of Professor under CAS and Fixation of Pay of Petitioner thereafter:

Annexure:2b [vide:Page:22-26 of this letter]

Note No.40:

On 1.3.07 O.S. noted,

Ref. letter dt. 14.11.2006. Dr. Sharma was promoted to the post of Prof. w.e.f. 29.04.2004 under CAS. According to him the date of Promotion under CAS i.e. 29.4.2004 is arbitrary. Therefore, he requested to refix his date of promotion to the post of Professor under CAS w.e.f. 27.7.1997.

Submitted for his kind perusal and decision.

To which Registrar(Offg.) Dr. K. B. Jamatia noted on 6.3.07,

How many times did he appear in the Interview for the promotion to the post of Professor under CAS? The details may be furnished.

To which O.S. noted,

Three times he appeared for interview. First time in the year 2000. Second time in the year 2002 and the proposal was initiated on 7.2.02 (F.2(29)TU/99).

Third time in the year 2004 and the file was initiated vide Note No.2 on 6.7.04 (F.2(29)TU/99).

And

Note No.43 Ref. Note No.40:

On 26.4.07 Registrar (Offg.) Dr. K. B. Jamatia noted,

Prof. K. Sharma appeared for promotion under C.A.S. for 4 times namely in the year of 2001, 2002, 2003 and 2004. But he was rejected up to the third time. Ultimately, he was selected for promotion under CAS to the post of Professor on 16.10.2004.

But as he was rejected for some official communication-gap, ultimately though selected in 2004, he was given effective date of promotion w.e.f. 29.4.2003.

Thus, no fresh decision is required. He may be communicated accordingly. And Pay may also be fixed accordingly.

And

Note No.

[with a brief on Date of Stagnation of Increment 1.1.2004 wherein been noted,

P-434-Xrox

424, 423, 422, 410, 368, 366, 349

Date of Stagnation of increment 1.1.2004

(vide Note 37) & 35)

P-434-30-09-05- 29-04-2003

P-424-28.05.05-Date of Stagnation

01.01.04 not (1-4-04 1-1-04) vide Note 37, 35)

P-423-25-2-05-29-4-2004

P-410-1-06-04-Ph.D increment 1 only in place of 2 increments

Ext	To Change
29-04-2004	27-07-97
Prof 29.07.07	
P-29/04/04	27-07-97

On 11.10.2007 O.S. and Supdt noted,

a) Kindly refer to the representation dated 28.09.2007 as submitted by Dr. Kamala Kanta Sharma, Professor(Now retired), Department of Mathematics, Tripura University regarding the date of Promotion uner CAS vide F/A

In the said representation it has been stated that "the date of effect of his promotion to the Post of Professor under CAS is repeatedly chosen arbitrarly. The present date of effect as 29-04-2003 inplace of earlier date of effect 29.04.2004 is arbitrarly leading to not only injustish and denial of seniority etc. in view of the salient facts like date of stagnation of pay consider as 01-04-2004 in place of 01-01-2004"

In this connection authority may kindly like to see that Dr. Kamala Kanta Sharma was promoted to the post of professor under CAS w.e.f. 29.04.2003 vide Memo at F/B.

b) Kindly refer to the application dt. 5.10.07 for grant of provisional 75% of Gratuity vide F/C.

Submitted for kind decision.

To which A.R. noted,

A) The matter was decided vide Note No.43 and accordingly intimated on 21.05.07.

B) May be considered.

Reg(offg.)

For example,

Reply No.3 of Your letter dated 21.03.2023

Denying the Petitioner (against whom there been no Allegations, Charges and/or Complaints etc. and rendered duties & services most efficiently & to full satisfactions and appreciations of everybody including his students & authorities concerned) legitimately due Promotion to Post of Professor under CAS and date of effect of Promotion from 29.04.2007 to 27.7.1997 therefor, Registrar(Offg.) Dr. K. B. Jamatia on 26.04.2007 at aforesaid Notes had vindictively notes wrong 4 appearances for Interview in place of 3 as noted by O.S. and undeniably illegal, discriminating "some official communication-gap" committing Res Ipsa loquitur and/or Negligence per se; Defamation; violations of relevant Sections of IPC and/or CrPC (e.g., Sections 166, 188, 218); Fundamental rights & other rights, Articles 14, 16 & 21 of Constitution of India adopting and/or adapting innovative various forms of illegal

- Formation of "Pay Fixation Committee" of the Tripura University which decided "Date of Effect of Annual Increment, Promotion/Placement and subsequent Fixations of Amount of Basic Pay for Post of Professor under CAS and the Date of next Increment in the Basic Pay, Protection of Seniority to Post of Professor on Promotion/Placement, Pension and/or other allied Pensionary and/or Terminal benefits for Tripura University Teachers" with aforesaid the then Reader Dr. Sangram Sinha as a Member and Participant of the Meeting of aforesaid Committee [vide Notice of Pay Fixation Committee dated 10.03.2005 RP Page 149]
- Egregious vexatious deliberate ulterior motivated Administrative Decisions and/or Actions depriving Petitioner his legitimate Promotion to Post of Professor under CAS with irrational, illegal, untenable plea "some official communication-gap" seeking answer to the pertinent question, Can Promotion and/or Appointment etc. of a Candidate be rejected on plea "some official communication-gap" leading to loss of dignity, Promotion and Seniority, denial of stepping up of Basic Pay on stagnation, date of effect of Promotion/Placement and/or Month of Annual increments etc.; If so, under which Act, Statutes, Ordinances etc. of Law? if not, compensate as claimed therefor? (Corroboration from University needed) alongwith dues of Annual Increments in Basic Pay even in Year of Retirement by deliberate, prejudiced, egregious, malicious, illegal wrong fixations of dates of effect of

(α) Basic Pay and of legitimate Amount of Basic Pay thereof

(β) Annual Increments changed from the 1st January to 1st April every year and

(γ) Promotion/Placement etc. been done in such ways that the Petitioner not only became Junior most but also lost his Seniority vis-à-vis his legitimate due benefits of

(i) 1 extra increment for every 3 years of stagnation at time of fixations of Basic Pay,

(ii) 4 extra increments as relief for having Ph.D. degree,

(iii) Increment in Basic Pay even in Year of Retirement and ignoring Memo No.2415-F dt.27.03.2007 of Finance Branch, Govt. of West Bengal, allowing from 01.04.2007 merger of DA equal to 50% of existing Basic pay with Basic Pay distinctly shown as DP(Dearness Pay) countable for purpose of payment of DA.

(iv) Substantial Academic and Financial loss in Pay and/or other allied benefits therefor denying Applications and Principles of Natural Justice, Analytics, Causality and/or Decisions Making, Equity, Justice & treating with hostile discriminations violating Fundamental rights & other rights, Articles 14, 16 & 21 of Constitution of India.

[vide: WA Para:3(b)(iv-vi) Pages:6-7; RP Para: 3(a)(v) Pages: 6-15; WP Para: B(n) Page:15; Letter dated 16.12.2022 Paras: A(o), A(q) at Page:9, Para: A(z) at Page:13]

➤ Fixation of Pay by Stepping up in meeting of Redressal of Grievances of Petitioner:

Annexure:2c [vide: Page: 27-32 of this letter]

Note No.52:

On 27.11.98 O.S. noted,

Resolution No.2 of the meeting of the Redressal of Grievances held on 18.9.98 regarding fixation of pay of Dr. K. K. Sharma is placed in the file of P/351.

Next course of action may kindly be instructed, if so desire.

To which on 27.11.98 Supdt. Noted,

Fixation as per above may kindly be made by the F.C.

To which on 27.11.98 Dy. Reg. Mr. K. B. Jamatia noted,

We may refer it to F.C. before we issue notification

To which on 30.11.98 Reg, Dr. D. K. Chaudhuri noted, Yes

And

Ref. Note No.52 Continued Ref. Note-25:

O.S. at Para:7 noted,

On the other hand, Dr. Sharma was appointed to the Post of Reader directly and he was not given any previous service benefits as he did not held any regular post (he was on contract service outside Tripura)

At Para: 10 and onwards noted,

In view of the above, such case of stepping up is not permissible.

It is, therefore, proposed that the decision of the 21st Syndicate under Item No.16 may be modified while the proceedings are confirmed in the next meeting i.e. in the 72nd meeting. Submitted for consideration.

To which on 31.12.98 Dy. Reg. Mr. K. B. Jamatia noted,

The references made by O.S. appear to be right. Under the circumstances, the case of stepping up of Dr. K. Sharma needs to be reviewed by the Syndicate as it was already approved by the Syndicate.

However, before placing it in the Syndicate we can refer it to Finance Branch for their comments/Suggestions.

To which on 1.1.99 Reg. Dr. Chaudhuri noted, Submitted to V/C for kind decision.

To which on 4.1.99 V/C Prof. A. K. Chakraborty noted,

Yes may be placed in next Finance Com.

Reply No.7 of your letter dated 21.03.2023

Despite allowing others without appearing for interviews and having requisite qualifications for Appointment to the Post held by them and at aforesaid Note No.52 and Ref Note No.52 Continued Ref. Note-25 even claiming to-date of giving stepping up on stagnation of Pay of the Petitioner but been withdrawn on deleteriously prejudiced, frivolous, illegal "was on contract service outside Tripura" (Corroboration form University needed) counting of the continuing Past Service of 13 years of teaching Post-Graduate Classes and doing Research as Fulltime Lecturer during 1971-1978 in Kolkata; as "National Scholar (Govt. of India)" Awardee during 1978-1979 for the Research and Studies in the Theory and Applications of Computer Science & Technology, Formal Languages and Theory of Automata at Eindhoven University of Technology, Eindhoven, Netherlands; as Pool Officer teaching in Department of Pure Mathematics, Calcutta University, Kolkata during 1979-1981; Lecturer at Kenyatta/Nairobi University, Nairobi, Kenya, on deputation during 1981-1984; Reviewer since 1981 for prestigious International Publishers & Journals e.g., Mathematical Reviews of American Mathematical Society, JIMA, Springer Verlag etc. alongwith Manuscripts for publications as Research Papers and Books etc. therefor.

It is pertinent to note here that Petitioner in his W.P.(C) No.303/2010, W.A.(C) No.07/2012, Rev. Pet No.08/2012 filed in the Hon'ble Gauhati High Court, Agartala Bench, Agartala, Tripura, and SLPI before Hon'ble Supreme Court of India been against illegal retirement and denial of his reinstatement in service as per Rules applicable to him whereas WPINo.577/2019, WPINo.1361/2019 before Hon'ble Court of Tripura been for redress from the perpetual denial of equitable, fair, just delivery of legitimate claims and dues etc. pertaining to Administrative and Financial Systems and benefits thereon which

University contested by WANO.449/2020 & Rev.Pet No.07/2022 & disposed on 18.04.2022 directing University for payment of dues with interest @7%, erroneously rejecting Principal claims of Petitioner due to difficulties faced by Hon'ble Chief Justice of Tripura during hearing through Video Conference. Petitioner filed WPINO.850/2022 and been disposed with certain directions but severe abuse of Judicial Systems, Law, Orders, Procedures etc, and erroneous Sanctions, Payments and Calculations of Interest by University.

2) That Sanctions, Computations, and/or Sheets of Computations, Payments of Salary and/or Pension and/or Arrears thereof and/or other allied Pensionary and/or Terminal Benefits been based on devoid of truth, arbitrary, completely at variance, fabricated, fallacious, Schemes, Systems and or Models, Rules etc. whereas these should have been as shown below:

Calculation of Interest @7% p.a. w.e.f. 01.04.2007 to 30.09.2019 complying with the Hon'ble High Court of Tripura, Agartala, Order dated 18.04.2022 in Rev. Pet. No.07/2022							
Particulars	Actual Amount(Rs.)			Amount Received (Rs.)		Amount Due(Rs.)	
	Amount	Total	Interest	Amount	Interest	Amount	Interest
Table-1: Arrear of Salary w.e.f. 01.01.2006 to 31.03.2007	414469	7675132	7999540	5162074	2210175	2513058	5918215
Table-2: Arrear of Pre-Revised Pension w.e.f. 01.04.2007 to 31.03.2008	142119						
Table-3: Arrear of Revised Pension w.e.f. 01.04.2007 to 30.09.2019	7174412						
Cash Equivalent of Leave Salary	517229						
Gratuity	687263						
Total Amount Due						8431273	

Table-1						
Calculation of Arrear of Salary w.e.f. 01.01.2006 to 31.03.2007						
Month	Salary Due			Salary Drawn	Arrear Amount	Total Arrear
	Basic Pay	CA	Total			
01.01.2006	60340	750	61090	32000	29090	414469
01.02.2006	60340	750	61090	32000	29090	
01.03.2006	60340	750	61090	32000	29090	
01.04.2006	60340	750	61090	32716	28374	
01.05.2006	60340	750	61090	32716	28374	
01.06.2006	60340	750	61090	33738	27352	
01.07.2006	60340	750	61090	33738	27352	
01.08.2006	60340	750	61090	33738	27352	
01.09.2006	60340	750	61090	33738	27352	
01.10.2006	60340	750	61090	33738	27352	
01.11.2006	60340	750	61090	33738	27352	
01.12.2006	60340	750	61090	33738	27352	
01.01.2007	60340	750	61090	34761	26329	
01.02.2007	60340	750	61090	34761	26329	
01.03.2007	60340	750	61090	34761	26329	

Table-2						
Calculation of Pre-Revised Pension from 01.04.2007 to 31.03.2008						
Month	Pre-Revised Pension 22900x50%=11450	% of DR	DR	MR	Pension Amount	Total Pension

1	2	3	4	5	6=(2+4+5)	Amount
01.04.2007	11450	0%	-	250	11700	142119
01.05.2007	11450	0%	-	250	11700	
01.06.2007	11450	0%	-	250	11700	
01.07.2007	11450	0%	-	250	11700	
01.08.2007	11450	0%	-	250	11700	
01.09.2007	11450	0%	-	250	11700	
01.10.2007	11450	0%	-	250	11700	
01.11.2007	11450	0%	-	250	11700	
01.12.2007	11450	0%	-	250	11700	
01.01.2008	11450	5%	573	250	12273	
01.02.2008	11450	5%	573	250	12273	
01.03.2008	11450	5%	573	250	12273	

Table-3									
Calculation of Arrear of Revised Pension w.e.f. 01.04.2007 to 30.09.2019									
Period	Total Months	Pension 30545= 61090x 50%	Total Pension	% of DR	DR	Total DR	MR	Total MR	Total
A	B	C	D	E	F	G	H	I	J=(D+G+I)
01/04/07 to 31/12/07	9	30545	274905	0	0	0	250	2250	277155
01/01/08 to 30/06/08	6	30545	183270	5	1528	9168	250	1500	193938
01/07/08 to 31/12/08	6	30545	183270	7	2139	12834	250	1500	197604
01/01/09 to 30/06/09	6	30545	183270	16	4888	29328	250	1500	214098
01/07/09 to 31/12/09	6	30545	183270	19	5804	34824	250	1500	219594
01/01/10 to 30/06/10	6	30545	183270	22	6720	40320	250	1500	225090
01/07/10 to 30/06/11	12	30545	366540	24	7331	87972	250	3000	457512
01/07/11 to 31/12/11	6	30545	183270	27	8248	49488	250	1500	234258
01/01/12 to 30/06/12	6	30545	183270	30	9164	54984	250	1500	239754
01/07/12 to 30/11/12	5	30545	152725	35	10691	53455	250	1250	207430
01/12/12 to 30/06/13	7	30545	213815	42	12829	89803	250	1750	305368
01/07/13 to 31/12/13	6	30545	183270	47	14357	86142	250	1500	270912
01/01/14 to 30/06/14	6	30545	183270	57	17411	104466	250	1500	289236
01/07/14 to 31/12/14	6	30545	183270	64	19549	117294	250	1500	302064
01/01/15 to 30/06/15	6	30545	183270	69	21076	126456	250	1500	311226
01/07/15 to 31/12/15	6	30545	183270	74	22604	135624	250	1500	320394
01/01/16 to 30/06/16	6	30545	183270	79	24131	144786	250	1500	329556
01/07/16 to 31/12/16	6	30545	183270	83	25353	152118	250	1500	336888
01/01/17 to 31/03/17	3	30545	91635	88	26880	80640	250	750	173025
01/04/17 to 30/09/19	30	30545	916350	125	38182	1145460	250	7500	2069310
Total	150		4581750						7174412

Reply No.3 of Your letter dated 21.03.2023

Evidently in view of circumstances, events, facts, documents, papers etc. stated in the aforesaid Sections, Paras etc. your imputations “That it is crystal clear…… upto the age of 70 years.” Been

not only devoid of truth, torturous, defamatory, highly selective and prejudiced, determinedly harming thereof apart from those already stated Principal claims and other allied claims, dues, privileges etc. of Petitioner impeccably demand your responses to pertinent questions therefore vis-à-vis corroboration on the Comprehensive Decisions and/or Inferences (both necessary and sufficient) on Deductions; Definitions and/or Meanings; Characteristics; Specifications; true Interpretations, Validity; Import; Scopes; Limitations and any other allied of the Conspectus of Elements, Incidents, Flows of the "Pension", "It was made clear to you", "Under Proper Acknowledgement" and "Official Communication-gap" from the University.

[vide: Letter Para: A(k) Page:7, Paras: A(v), A(w), A(aa) Pages:11-12 & 14]

C) Under the circumstances without prejudice to Fundamental Rights and other Rights, Privileges, Claims, Dues etc. of petitioner it being humbly requested your most immediate kind perusal, favourable Orders and/or Actions, Compliances thereof relating to aforesaid Administrative and Financial Systems and benefits, Sanctions, Computations, Payments of Pension and other allied Pensionary and/or Terminal Benefits based on GFR 2005, FR & SR, CCS(Pension) Rules 1972, CCS (Gratuity) Rules 1972 as amended from time to time and payment of Interest as Ordered by Hon'ble High Court of Tripura vis-à-vis other already overdue Claims Payments, Dues etc. redressing grievances, settlements and deliverances of their Fundamental Rights and other Rights, Natural Justice, Equity, Privileges etc. thereof saving Petitioner and his family from serious conditions and/or situations of Life and Liberty & continuing perpetual Denials including expeditious payment of aforesaid Rs.84,31,273/- (Rupees Eighty-four Lakh Thirty-one Thousand Two Hundred Seventy-three) only within a week of receiving this representation failing which the necessary appropriate available steps under law will be initiated.

With thanks and regards,

Yours sincerely,

(K. Sharma)

Encl.: True copies of Annexures as stated

Total 32(Thirty-two) Pages

12. But according to Learned Senior Counsel, since the subject matter of dispute has already been resolved by the respondent-Tripura University in pursuance of the judgment and order of the Hon'ble High Court, so, nothing remains for the respondent-Tripura University to take any further action on the said representation, because by the communication dated

21.03.2023 all information have been communicated to the petitioner by the respondent-Tripura University. So, at this stage, there is no scope to entertain the petition filed, as because it has got no legal basis in the eye of law.

13. Learned Counsel for the respondent Nos.1 and 2 at the time of hearing of argument fairly submitted that their appearance is formal in nature, so, they do not like to submit any further input on this matter, since, the matter is already been resolved by the respondent No.3 and urged for dismissal of this writ petition.

14. I have heard the petitioner at length and Learned Counsel for the contesting respondents. It appears that the present petitioner has filed so many writ petitions before the High Court as discussed above and in pursuance of the direction of the High Court, the respondent No.3 by order dated 21.03.2023 has intimated the petitioner, the action taken by them on his grievance. Later on, no further action was taken by the respondent No.3 on the subsequent representation dated 20.05.2020 as the action has already taken by the respondent No.3 and Learned Senior Counsel Mr. D. Bhattacharjee for the respondent No.3 in course of hearing, fairly shared the same view before this Court. So, I find no scope to consider the writ petition filed by the petitioner, as the petitioner has failed to satisfy the Court with any justified grounds for further interference.

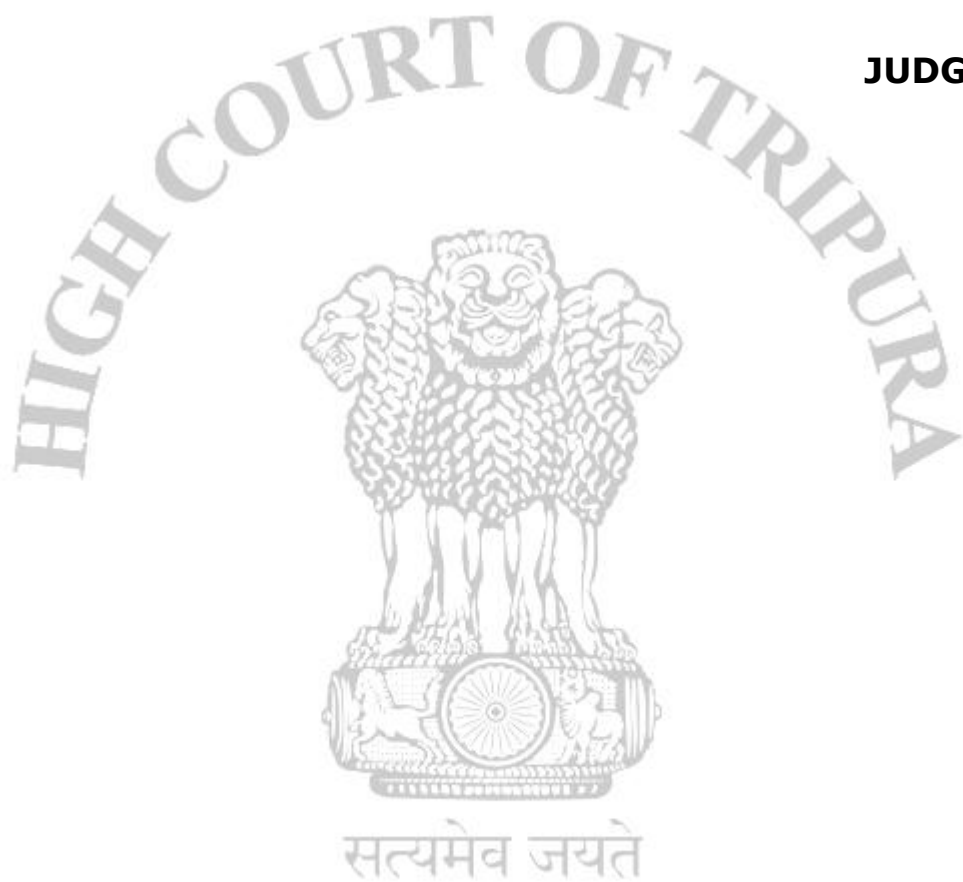
15. In the result, the writ petition filed by the petitioner stands dismissed being devoid of merit but considering the facts and circumstances of the case, no order is passed as to costs.

However, it is expected that since the petitioner served under respondent No.3, so, a communication may be made to him by the University in respect of his representation dated 20.05.2023.

With this observation, the case is thus disposed of on contest.

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

JUDGE



**MOUMITA
DATTA**
Deepshikha

Digitally signed by MOUMITA
DATTA
Date: 2024.06.26 17:42:03
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