

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

WP(C) No.241 of 2024

For Petitioner(s)	:	Mrs. S. Deb (Gupta), Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, G.A. Mr. B. N. Majumder, Sr. Advocate. Mr. S. C. Sen, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

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05.04.2024

Heard.

The present petition is filed for a direction to the respondents to allow the petitioner to regular pay scale in the post of Helper Grade-II under PB-II, Rs.4840-13,000/- with grade pay of Rs.1400/- in the level-1, Cell-1 as per TCSC (Revised Pay) Rules, 2018 & Pay Matrix-2018 on completion of five years of continuous and satisfactory service as Helper Grade-II i.e. 03.07.2020 recruited by the respondents and time scale increment as admissible as per rules.

The petitioner has prayed for the following reliefs:

- “i. Admit this petition of the petitioners and call for the record relevant to the subject matter from the custody of the respondents.
- (ii) Issue Writ directing the respondents and each one of them, to allow the petitioner to regular pay scale in the post of Helper Grade II under PB-1, Rs. 4840- 13000/- with Grade Pay Rs. 1400/- in the Level-1, Cell -1 as per TCSC (Revised Pay) Rule, 2018 & Pay Matrix-2018 on completion of five years of continuous and satisfactory service as Helper Grade II i.e. 03.07.2020, recruited by the respondents and time scale increment as admissible as per rules.
- (iii) Issue Writ directing the respondents and each one of them to provide the regular pay scale as on 03.07.2020 as per Memorandum dated 27.01.2022.
- (iv) Issue Writ directing the respondents and each one of them to release the full salary of the petitioner in the suspension period i.e. from 20.05.2019 to 03.07.2022.
- (v) Costs of an incidental to this proceeding.
- (vi) Any other relief(s) as to this Hon'ble High Court may deem fit and proper.”

The facts in brief are that on 03.07.2015 the petitioner has been appointed as Helper Gr.II at office of the Senior Manager, Amtali, Electrical Sub-Division, Amtali, Under Electrical Division No. II, Agartala. On 20.02.2019 the petitioner was arrested due to false implication of one criminal case vide SPL (NDPS) No. 47 of 2018. On 01.06.2019 the petitioner was released on bail and on 22.05.2019 the respondent No. 2 issued a suspension order, against the petitioner, w.e.f. 20.02.2019. On 08.08.2019 the respondent No. 2 issued an order of subsistence allowance of Rs. 5,265/- per month. On 22.07.2020 the respondent No.

2 issued an order to revised the subsistence allowance from Rs. 5,265/- to Rs. 7,898/-. The petitioner filed a writ petition, vide WP(C) No. 228 of 2022, before this Court praying to set aside the suspension order vide No. F.CMD/19.138/2019/15,000, dated 22.05.2019 of the petitioner. Thereafter, on 27.06.2022 the Court has passed the judgment and order, in the aforesaid writ petition vide WP(C) No. 228 of 2022 and set aside the aforesaid suspension order of the petitioner. After the said order, dated 27.06.2022 of the Court on 03.07.2022 the respondents have allowed the petitioner to continue his service.

On 29.11.2022 the learned Special Judge, Court No. 4, West Tripura, Agartala passed an order in SPL (NDPS) 47/2018 and discharged the petitioner from the charge of the aforesaid criminal case, vide SPL (NDPS) No. 47 of 2018, which was falsely implicated against the petitioner. The petitioner on 14.12.2022 submitted the certified copy of the order dated 29.11.2022 to the respondent No. 5 and prayed for regular pay scale as on 03.07.2020. But the respondents did not take any initiative to regularize the service of the petitioner.

Thereafter, the petitioner, has made several verbal requests to the respondents praying to regularize the service of the petitioner and also to grant the regular pay scale to the petitioner the respondents then assured the petitioner regarding the grant of the regular pay scale to the petitioner. But the petitioner did not take any step to consider the prayer of the petitioner. Thereafter, finding no other alternatives on 17.02.2024 and 19.02.2024 submitted a prayer to the respondents No. 4 to 6 respectively to grant regular pay scale to the petitioner. But till date the respondents did not take any initiative to consider the prayer if the petitioner.

Being aggrieved by the conduct of the respondents, the petitioner filed the present writ petition before this Court for redress.

In view of above and having heard the learned counsel appearing for the parties, without going into the merits of the case, this Court is of the view that ends of justice would be met if the present petition is disposed of directing the respondents to consider the notice issued by the counsel on behalf of the petitioner before the concerned respondent in accordance with law within a period of three months from the date of the receipt of the copy of this order and accordingly, the same is ordered.

Thus, the present writ petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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