

**HIGH COURT OF TRIPURA  
AGARTALA**

**Cont.Cas(C) No.72/2023**

1. Shri Ratan Chakraborty, son of Late Rabisankar Chakraborty of Nabadiganta Lane, Joynagar, P.O.-Agartala, P.S.-West Agartala, West Tripura.
2. Shri Sudhamoy Chakraborty, son of Late Subodh Chandra Chakraborty of College Tilla, Agartala, P.O.-Agartala College, P.S.-East Agartala, District-West Tripura.
3. Sri Shanti Bhusan Chakraborty, son of Late Braja Chand Chakraborty, of Dhaleswar (Kalyani North), Assam Agartala Road, P.O.-Dhaleswar, P.S.-East Agartala, West Tripura.
4. Shri Mrinal Kanti Chakraborty, son of Late Narayan Chakraborty, of West side of old Central Jail, near Girls' Budhjung H.S. School, Banamalipur, P.O.-Agartala, P.S.-East Agartala, West Tripura.
5. Shri Siddhartha Chakraborty, son of Late Monoranjan Chakraborty, of Ramnagar Road No. 3, P.O.-Ramnagar, P.S.-West Agartala, Agartala, West Tripura.
6. Shri Ashis Kumar Dey, son of Late Satish Chandra Dey, of East side of Banamalipur dighi, P.O.-Agartala, P.S.-East Agartala, West Tripura.
7. Shri Kalipada Paul, son of Late Rabindra Chandra Paul, of Town Pratapgarh (Central Road Extension), P.O.-Agartala, P.S.-West Agartala, West Tripura.
8. Smt. Tamashi Choudhury, wife of Shri Soumitra Das, Resident of Joynagar Lane No. 4, P.S.-West Agartala, Agartala, West Tripura.
9. Shri Arun Kumar Singha, son of Late Madhu Mangal Sinha, resident of South Dhaleswar, Lane No. 5, P.O.- Agartala College, P.S.-East Agartala, District-West Tripura.

..... Petitioner(s).

**V E R S U S**

1. Sri Biswajit Palit, TJS Gr.-I, Secretary to the Government of Tripura, Law Department, New Capital Complex, P.O.-New Secretariat, 799006, P.S.-New Capital Complex, District-West Tripura.
2. Sri Brijesh Pandey, IAS, Secretary to the Government of Tripura, Finance Department, New Capital Complex, P.O.-New Secretariat, 799006, P.S.-New Capital Complex, District-West Tripura.
3. Sri Angshuman Debbarma, TJS Gr.-I, the then District & Sessions Judge, West Tripura District, District Judge Court Complex, P.O.-Agartala, P.S.-West Agartala, District-West Tripura; at present holding the post of District & Sessions Judge, North Tripura District, Dharmanagar.
4. Smt Anindita Dhar, Senior Accounts Officer, Office of the Accountant General (A & E), Agartala, West Tripura.
5. Sri Apurba Roy, IAS, Secretary to the Govt. of Tripura, Finance Department, New Capital Complex, Secretariat Building, Agartala, West Tripura, PIN-799006.

.....Respondent(s).

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| For Petitioner(s) | : Mr. Sankar Lodh, Advocate,<br>Mr. S. Majumder, Advocate.                                                                                |
| For Respondent(s) | : Mr. S.S. Dey, Advocate General,<br>Mr. Debalay Bhattacharya, Sr. Advocate,<br>Mr. Samar Das, Advocate,<br>Ms. A. Chakraborty, Advocate. |

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**Order**

**03/10/2024**

Heard Mr. Sankar Lodh, learned counsel appearing for the petitioners, Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the official respondents No.1 & 2 and Mr. Debalay Bhattacharya, learned senior counsel assisted by Mr. Samar Das, learned counsel appearing for the respondents No.5.

2. The operative part of the order under offence reads as under:

"12. This court does not find any difference in the background facts of those writ petitions and the present writ petitions and hence, in the considered opinion of this court, the petitioners are also entitled to the similar benefit. The respondents are, therefor, directed to grant the petitioners upgradation from Grade IV(b) of Tripura Courts Stenographers Service to Grade IV(a) of the Tripura Courts Stenographers Service on completion of 4 years of service, if completed within the period of 01.01.1986 to 31.12.1995.

13. Their pay shall be fixed on the following day of completion of 4 years of service in the Grade IV(b) of the Tripura Courts Stenographers Service. However, as the writ petitions, as referred before, have been filed belatedly, the petitioners will be entitled to notional fixation from the date of completion of 4 years of service in the said grade till the date, 3 (three) years prior to the institution of the writ petitions. Such arrear, as would accrue following the above direction, shall be paid within a period of 3 months from the date when the petitioners shall furnish a copy of this order to the respondents.

14. At this point, Mr. S Lodh, learned counsel for the petitioners has submitted that all the writ petitions as filed by the petitioners separately had been filed on 19.02.2020. As such, the actual financial benefit shall be released from the date of 19.02.2017.

With this observation and direction, this writ petition stands allowed and disposed of.

There shall be no order as to costs."

3. Petitioners have approached this Court alleging deliberate non-compliance of the order under offence. Compliance affidavit filed by respondents No.1, 2 & 5 incorporates the minutes of the meeting of the Council of Ministers dated 17.10.2023 where at Item No.11 of the agenda, the Council of Ministers approved the proposal of the department at para-9 of the Cabinet Memorandum. It is extracted hereunder:

**"Item No.11:** Grant of automatic upgradation of pay to the Court Stenographers' on their completion of 4 years of service during the period under ROP 1988 prior to 01.01.1996 in compliance with the Order dated 31-01-2022 of Hon'ble High Court of Tripura in WP(C) 236 of 2021 filed by Sri Ratan Chakraborty & 8 others under Law (PA) Department. {Law (PA) Deptt. File No.F.1(2)-Law/Estt.I/2018 (Shadow) dated 30.08.2023}

**The Council of Ministers approved the proposal of the Department at para-9 of the Cabinet Memorandum."**

4. Thereafter, a dispute arose as to the pay fixation. At the time of fixation of pay by the department, an additional increment was allowed w.e.f. 01.04.2003 in the revised pay scale, i.e. after revision of pay w.e.f. 01.01.1996 (ROP, 1999). Further, on implementation of the Shetty Commission recommendations, another increment was being allowed. The pay fixation done by the office of the District & Sessions Judge, Sonamura differed with the calculation of the Accountant General, Tripura with the note that allowing additional increment on 01.04.2003 in the revised pay scale is not tenable. This led to filing of several affidavits during pendency of the contempt petition. The dispute, as it stands now, is in relation to correct pay fixation of the petitioners and whether increment w.e.f. 01.04.2003 was also permissible while revising the pay scale of the petitioners since additional increment had been allowed as per Shetty Commission recommendation.

5. Mr. Sankar Lodh, learned counsel for the petitioners, has argued that this would amount to denial of the benefits accruable under the order under offence.

6. On the part of the Accountant General, Mr. Debalay Bhattacharya, learned senior counsel assisted by Mr. Samar Das, learned counsel, submits that the direction to grant upgradation from Grade IV(b) of Tripura Courts Stenographers Service to Grade IV(a) on completion of 4(four) years of service has been granted by a conscious decision of the Council of Ministers and thus, the order has been complied with. If the petitioners have a grievance in relation to re-fixation of pay and in respect of grant of an increment w.e.f. 01.04.2003 apart from the benefits under the Shetty Commission recommendation, the same is an independent cause of action for the petitioners, if so aggrieved.

7. Learned Advocate General appearing on behalf of the official respondents of the State also endorses this view.

8. On consideration of the rival submission of the parties and the materials placed on record, this Court is of the considered view that the operative direction of the Writ Court to grant the benefit of upgradation from Grade IV(b) of Tripura Courts Stenographers Service to Grade IV(a) has been granted as per the resolution of the Council of Ministers in the meeting held on 17.10.2023, the relevant part of which has been extracted hereinabove. The present dispute is in relation to the correct pay fixation upon grant of such upgradation to Grade IV(a).

9. From a reading of the order under offence and upon hearing learned counsel for the parties, this Court is of the view that if the petitioners

have a grievance in relation to fixation of pay, that may be an independent cause of action which the petitioners can agitate in a fresh proceeding. However, no case of contempt can be made out in the aforesaid circumstances.

10. Accordingly, the instant contempt petition stands disposed of.

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

**(APARESH KUMAR SINGH), CJ**

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**DIPESH DEB**

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