

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 310/2024

Sri Babul Biswas and 2 ors.

----Petitioner(s)

Versus

The State of Tripura & 3 ors.

----Respondent(s)

For Petitioner(s)	:	Ms. S. Deb (Gupta), Advocate
For Respondent(s)	:	Mr. K. De, Addl. GA
		Mr. N. Majumder, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

06/05/2024

By means of filing the instant writ petition, the petitioners have prayed for the following reliefs:

“(i) Admit the petition;

(ii) As to why a writ of Mandamus shall not be issued commanding upon the respondents to provide the petitioners benefits of 2nd CAS, in the pay scale of Rs.10,000-15,100/-, on completion of 17 years of service as on 02.02.2002, 19.01.2002 & 01.10.1999 as per the Tripura State Civil Service (Revised Pay) Rules, 1999 as the petitioners did not get any scale up-gradations after consuming 1st up-gradation as on 02.02.1989, 19.01.1989 & 29.10.1986 till promotion dated 31.03.2007, 09.01.2008 & 31.03.2007;

(iii) As to why a writ of Mandamus shall not be issued commanding upon the respondent no. 4 to implement the Memorandum vide No. F.1(57)-CE/RD/ ACP/22-23(PART)/1468 dated 16.01.2023 and the Memorandum vide No. 1(57)-CE/RD/ACP/22-23/PART/1504 dated 17.01.2023;

(iv) After hearing the parties, be pleased to make the Rule Absolute in terms of (ii) & (iii) Above;

(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;”

Heard Ms. S. Deb (Gupta), learned counsel appearing for the petitioners.

Also heard Mr. K. De, learned Additional GA, appearing for the respondents no. 1, 2 and 3 and Mr. N. Majumder, learned counsel for the respondent no.4.

On 30.04.2024, this court had made a request to Mr. K. De, learned Additional GA to seek instruction about granting of ACP-2 to the petitioners.

Today, Mr. Dey, learned Additional GA has placed a Note before this court whereby and where-under it comes to fore that the respondents-State had already taken up the matter with the Accountant General, Agartala, by letter dated 17.01.2023 to release ACP-2 in favour of the petitioners and to implement the Memorandum dated 16.01.2023. The entire Note is reproduced here-under:

“The memorandum dated 16.01.2023 and 17.01.2023 was issued by the office of CE(RD) Memorandum dt. 16.01.2023 has sanctioned the grant of ACP-II by the competent authority to the 03 nos. of petitioners, i.e., Er. Sujit Shil, Er. Kajal Dey, Er. Babul Biswas, all of whom are Retired Assistant Engineers, RD Department during the issue of the above 2 nos memorandum.

Vide memo dated 17.01.2023, refixation of pay was done for all the three nos. petitioners. The revised fixation of pay was sent to A.G. Tripura vide letter No.F.No.1(57)-CE/RD/ACP/22-23/Part/1504 dt. 17.01.2023 for re-considering their enhanced pay in the Pension Pay Order (PPO).

The enhanced excess pay had to be implemented by AG Tripura as they were retired employees.

The memorandum dt. 16.01.2023, pay fixation orders dt. 17.01.2023 of all the 03 petitioners and letter addressed to A.G. Tripura dt. 17.01.2023 are enclosed.

Put up for kind perusal of authority.”

It is unfortunate that the petitioners herein went on superannuation more than a year ago, but, till today there pay fixation has not been done. It is the utter negligence of the office of the Accountant General, Agartala, Tripura. The respondents-State had issued memoranda, as stated here-in-before, but, till today the same had not been implemented. No reason had also been assigned thereof by the office of the Accountant General, Agartala, Tripura.

In view of this, I direct the Accountant General, Agartala, Tripura, the respondent no. 4 herein, to release and implement the aforesaid memoranda providing financial benefits within a period of 30 days from today. It is clarified that violation of this order will tantamount to contempt of court.

With the aforesaid directions, the instant writ petition stands disposed.

A copy of the Note may be kept with the record.

A copy of this order be supplied to Mr. Majumder, learned counsel for the respondent no. 4.

JUDGE

Saikat

SAIKAT KAR

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