

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A_

WA No.142 of 2021

For Appellant(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. K. Nath, Advocate.
For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

_O_R_D_E_R_

27.02.2024

Heard.

The present appeal has been filed under Article-226 of the Constitution of India read with Chapter-VA Rule-2(2) of the Gauhati High Court Rules as applicable against the judgment and order dated 01.03.2021 passed by the learned Single Judge in WP(C) No.690 of 2017.

The facts in brief are that the appellants are serving as Riffleman in TSR. In 2011, exercise for filling up 9 vacant posts of Havilder (Clerk) by way of transfer from different ranks of TSR under Rule-37(1) of TSR (Recruitment) Rules, 1984 was taken up. The selection Board recommended the names of the 6 candidates for appointment & a panel of 14 candidates was kept in waiting for filling up future vacancies as an when those vacancies would occur & filled up. All the appellants were included in the said panel. The Rule-37 of the TSR Recruitment Rules has been amended by notification, dated, 28.12.2015 and in consequence of such amendment only the Havilder (GD) is eligible for appointment by way of transfer in the post of Havilder (Clerk).

Before amendment of Rule-37 of the TSR (Recruitment) Rules, 1984, vacancies in the posts of Havilder (Clerk) existed. As per the revised procedure of DPC when DPC is convened after gap of few years the panel prepared by the earlier DPC in the preceding year/years is to be given preference. The aetitioners have been informed by letter, dated, 20.01.2017 by the Dy. Inspector General of Police, AP(Adm & Trg), that, the panel prepared in the year 2011 has lost its validity. The said letter has been issued against the revised procedure of DPC in derogation of the appellants accrued rights. The appellants filed writ petitions against such arbitrary action of the respondents & the learned Single Judge dismissed the writ petition.

Hence, the present appeal is filed before this Court for redress.

In view of above and having heard the learned counsel appearing for the this Court is of the view that the issues involved in this appeal are with

regard to the issue considering the vacancies basing on the old rules or the vacancies to be considered in the light of the new rules which are being framed.

Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the appellants at the outset in all fairness has placed before this Court a decision of the Hon'ble Apex Court in *State of Himachal Pradesh and Others v. Raj Kumar and Others*, reported in (2023) 3 SCC 773, wherein, it has been categorically answered the subject matter involved in this writ appeal against the appellants.

In view of the same, the present appeal is accordingly dismissed consequently, the order passed by the learned Single Judge stands confirmed. As a sequel, miscellaneous application(s), pending if any, also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

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