

**HIGH COURT OF TRIPURA
AGARTALA
Rev. Petn. No.32 of 2023**

***The State of Tripura & Ors.
Versus
Sri Debabrata Paul & Anr.***

***Petitioner(s)
Respondent(s)***

For Petitioner(s) : Mr. M. Debbarma, Addl. GA

For Respondent(s) : Mr. P. Chakraborty, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

16.01.2024

This present review petition has been filed under Article 226 of the Constitution of India for reviewing the Order dated 17.03.2023 in WP(C) 68 of 2023 passed by the learned Single Judge of this Court.

2. The brief fact of this case is that the petitioner in writ petition (respondent herein) was appointed in the post of Technical Assistant on contractual basis for a period of 1(one) year. The Addl. Director, State Council of Education Research and Training issued a Note dated 07.02.2018 inter alia noting enhancement of salary of the contractual employees, working under the Edusat network since, April 2007. The Director, SCERT issued a Note-27, inter alia noting the enhancement of remuneration of one Sri Kalyan Kishore Saha insofar as the then Additional Chief Secretary(Education) has referred to him as "Kalyan is Outstanding" considering his efficiency & positive attitude, and as such, the remuneration of said Sri Kalyan Kishore Saha may be enhanced at par

with the remuneration of other Coordinators of Samagra Shiksha. Being prejudiced, the respondent herein along with others submitted a representation to the Director, SCERT dated 19.10.2020, inter alia praying for enhancement of monthly remuneration of contractual staffs of Edusat Network of Tripura, inasmuch as among the 6 Nos. Edusat Staff, in par with the monthly remuneration of Sri Kalyan Kishore Saha. But the same evoked no response. Thereafter, vide Note No.57 dated 20.07.2022, the respondent(s) in writ petition initiated a proposal to enhance the monthly remuneration of the petitioner, from Rs.37,412/- to Rs.43,284/-. By Note No.61 dated 15.09.2022, the respondents (writ petition) consciously decided to grant the said enhanced monthly remuneration of Rs.43,284/-, in favour of the petitioner (respondent herein), with effect from 01.09.2022. The petitioner (respondent herein) was neither accorded the said enhanced monthly remuneration, with effect from 01.07.2020, as like said Sri Kalyan Kishore Saha, nor any arrear on account thereof was paid to him. Only with effect from 01.09.2022, the petitioner in writ petition was granted the enhanced monthly remuneration of Rs.43,284/-.

3. After hearing the learned counsel appearing for the parties, this Court in WP(C) No.68 of 2023 dated 17.03.2023, passed the following orders:-

"Heard both sides and perused the evidence on records. Impugned memorandum dated 21.09.2022 is set aside and without expressing any opinion on the merits, the matter is remanded back to respondents No.4 and 5 to consider the case of the petitioner in its entirety and to pass a speaking order with regard to extending the benefits to the petitioner herein on par with the said employee i.e. pro-forma respondent herein which the petitioner has referred expressing that the respondents have acted in the manner of discrimination. Respondents are directed to consider the case of the petitioner within a period of 2(two) months from the date of receipt of the copy of this order. The petitioner is also at liberty to file any such documents in support of his claims before the respondents if so advised.

With the above observation and direction, this instant writ petition stands disposed of. Stay if any stands vacated, pending application(s), if any also stands closed".

4. Being aggrieved thereby the respondents in writ petition (petitioner herein) preferred Rev. Petn. 32 of 2023 which was disposed of on 20.06.2023 with the following observation:-

"In view of the above, the present review petition is disposed of giving liberty to respondents (the review petitioners herein) to take a decision once the matter is decided by the Hon'ble Supreme Court of India. And in view of the submissions made by the learned Addl. G.A., the said proceeding dated 21.9.2022 which has been set aside by this Court has no bearing of the facts in the case. The respondents (review petitioners herein) shall communicate the same to the petitioners in enabling them to take steps, if so advised, before the Hon'ble Supreme Court."

5. Thereafter, the respondent herein preferred Writ Appeals in the Division Bench of this High Court being WA No. 121 of 2023 which was disposed on 13.12.2023 with the following observation :-

"We do not want to get into the correctness of the contentions raised by the parties on merits. However, since the review petitions were decided without notice and hearing to the writ petitioners who had got a judgment in their favour following the ratio laid down by the Apex Court in the case of Johra & Ors Vs. State of Haryana & Ors. reported in (2019) 2 SCC 324 we deem it proper to reverse the impugned orders dated 20.06.2023 passed in Review Petition No.31 of 2023 and Review Petition No.32 of 2023 respectively and remand the matter to the Review Court for fresh consideration in accordance with law after due opportunity to the parties.

The review petitions are consequently restored to their original files and be listed before the appropriate Bench.

The writ appeals stand disposed of."

6. In compliance to the above order passed by the Division Bench of this Court, the matter is remanded back to this Court for fresh consideration.

7. Heard Mr. M. Debarma, learned Addl. GA appearing for the State. Also heard Mr. P. Chakraborty, learned counsel appearing for the respondents.

8. Mr. M Debbarma, learned Addl. GA for the state submits that the impugned memorandum dated 21.09.2022 which has been set aside by an order dated 17.03.2023 in WP(C) 68 of 2023 is not related to the remuneration of the petitioner of the Writ Petition. Thus, he prays for restoration of the said memorandum.

9. Having heard the submissions advanced by the learned counsel for the parties and on perusal of record, this Court is of the view that the memorandum dated 21st September, 2022 issued by the State Project Director, Samagra Shiksha, Tripura which was set aside earlier by the order dated 17.03.2023 in WPC 68 of 2023 is restored. However, insofar as the rest of the order is concerned, it remains intact. For the benefit of reiterating the same, this Court directs the respondents (petitioner herein) to consider the case of the petitioner within 03 months from the date of receipt of copy of this order and communicate the result to the petitioner (in writ petition) as per procedure.

10. Accordingly, the present review petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.



JUDGE

Paritosh

**SABYASACHI
GHOSH**

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