HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.371 of 2024

1. Smt. Bina Debbarma
W/o- Sri Pradyut Debbarma, R/o:- Ujan Abhoynagar, Near Life Drop, P.O:- Ujan ahoynagar, P.S:- East Agartala, District:- West Tripura, Pin- 799005, Age:- 50 years.
2. Sri Chitta Ranjan Debbarma,
S/o Late Bir Krishna Debbarma, R/o- Puniram Thakur Para, P.O- Golaghati, P.S- Takarjala, District- Sepahijala, Pin-799102, Age:51 years.

...Petitioner(s)

VERSUS

1. The State of Tripura,
Represented by its Principal Secretary, School Education Department, Government Of Tripura, P.O-Secretariat, P.S-New Capital Complex, District-West Tripura, Pin-799010.

2. The Director of Secondary Education,
Directorate of Secondary Education, School Education Department, Government of Tripura, P.O-Agartala, P.S- West Agartala, District-West Tripura, Pin-799010.

3. The Principal Secretary,
Finance Department, Government of Tripura, New Secretariat Complex, P.O-Secretariat, P.S-New Capital Complex, District-West Tripura, Pin-799010.

...Respondent(s)

For the Petitioner(s)	:	Mr. S. Dey, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A

HON'BLE MR. JUSTICE ARINDAM LODH

Order

11/07/2024

Heard Mr. S. Dey, learned counsel appearing for the petitioners. Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A appearing for the State-respondents.

2. By means of filing the present writ petition, the petitioners have prayed for granting one increment in favour of them.

3. The petitioners have prayed for following reliefs:

"(i) Issue notice upon the Respondents.
(ii) Call for the Records.
(iii) Issue rule calling upon the respondents to show cause as to why the Petitioners shall not be granted the benefit of one increment under Rule

13(1)(v) of the TSCS(RP) Rules, 2009 along with all arrears of financial benefit.

AND

Issue Rule calling upon the Respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue Rule calling upon the Respondents to show cause as to why the the petitioners shall not be granted the benefit of one increment as per the Judgment and Order at Annexure 9 and 10 of this Writ Petition as upheld by the judgment of the Ld. Division Bench at Annexure-11 of this Petition (iv) And after hearing the parties, be pleased to make the rule absolute."

4. Briefly stated, the petitioners were appointed to the post of Post-Graduate Teachers on fixed pay basis on different dates. Thereafter, they were to remain on fixed pay for a period of 5(five) years after joining to their service. On completion of 5(five) years on fixed pay, the petitioners were given the benefit of regular pay scale. Thereafter, all the petitioners of the instant writ petition were selected for undergoing training for Certificate course in Teacher Education Examination (CCTE)(T.Ed) for a period of 6(six) months. Upon completion of 6(six) months training, results were published and both the petitioners had successfully passed the End Term Examination in one attempt.

5. It is the grievance of the petitioners that since they completed their T.Ed. after entry into service but, prior to the cut-off date, they are entitled to one advance increment under Rule 13(1)(v) of the TSCS (RP) Rules, 2009 (for short, Rules of 2009). The memorandum dated 6th July, 2011(*Annexure-8* to the writ petition) restricts the operation of Rules of 2009 and is illegal being violative of the statute and it is a settled law that instructions/orders/memorandums cannot supplement the rules but can supplant the rules. Vide memorandum dated 6th July, 2011, the respondents have decided to grant lumpsum benefit which is not there in the Rules of 2009 and as such, the said memorandum dated 6th July, 2011 is illegal and requires interference in this regard.

6. This Court in ***W.P.(C) No.694/2023*** titled as ***Smt. Dipti Marak vs. The State of Tripura and 2 Ors.*** vide judgment and order dated 25.01.2024

held that in-service Teachers who completed T.Ed. Degree after entering into service and prior to 01.01.2009 would be entitled to one advance increment.

7. I have considered the submissions of learned counsel appearing for the parties.

8. It is admitted position that the petitioners obtained T.Ed. Degree prior to the cut-off date i.e. 01.01.2009 and as per Rules of 2009, the petitioners are entitled to get one advance increment instead of lumpsum amount. The instant writ petition is also covered by the decision of the learned Court in ***Smt. Dipti Marak(supra).***

9 In view of this, I direct the respondents to pay one advance increment to the petitioners. The respondents are directed to pay one advance increment in the light of the judgment passed in the case of ***Smt. Dipti Marak(supra)***.

10. With the aforesaid observations and directions, the instant writ petition stands allowed and thus, disposed of.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

Rohit
SAIKAT KAR Digitally signed by SAIKAT KAR Date: 2024.07.13 14:54:38 +05'30'