

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.407 of 2024

Sri Pinku Shil

..... *Petitioner(s)*

V E R S U S

State of Tripura and others

..... *Respondent(s)*

For Petitioner(s) : Mr. Arijit Bhaumik, Advocate,
Mr. S. Dey, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

=O=R=D=E=R=

27/06/2024

Petitioner has approached this Court seeking the benefit of past service for all purposes including pension, gratuity, leave at credit, pay protection, counting of period for the purpose of determining five years' fixed pay period and for extension of financial benefits in his favour upon grant of such benefit.

[2] The facts of the case, as pleaded, are as under.

Petitioner has, after taking 'No Objection Certificate' from the competent authority, participated in the recruitment exercise for the post of Graduate Teacher while working as a Forester under the Forest Department, Government of Tripura. Thereafter, on being successful, he submitted technical resignation and joined the new post of Graduate Teacher (Secondary Level). He claimed the benefit of past service relying upon certain circular of the Ministry of Personnel, Public Grievances and Pensions, Government of India

dated 17.08.2016 regarding the effect of technical resignation and also decision rendered earlier in case of ***Tarendra Reang and other Versus State of Tripura & Ors.*** in ***WP(C) No.234 of 2020*** dated 06.01.2021. He submitted that his representation (Annexure-13) dated 17.05.2024 is pending before the competent authority i.e. Director of Secondary Education, Government of Tripura, respondent No.2. Therefore, he had to approach this Court for relief.

[3] Mr. A. Bhaumik, learned counsel for the petitioner, submits that the respondents may be directed to consider the representation of the petitioner in accordance with law and grant the aforesaid benefits. He also relies upon the case of ***Tarendra Reang and other Versus State of Tripura & Ors. in WP(C) No.234 of 2020*** wherein pursuant to the order dated 06.01.2021 passed by this Court, those writ petitioners have been granted the benefit of past service. As such, the respondents may be directed to take a decision in accordance with law in respect of the present petitioner also.

[4] Mr. D. Sharma, learned Additional Government Advocate for the respondents-State, submits that the instant petition has been taken up for the first time. Therefore, instructions are awaited. However, since the consideration on this issue at the first instance lies before the competent authority under the department, in case the representation of the petitioner has not been considered on account of genuine reasons, the respondent-department would consider it in accordance with law in a suitable time as may be directed by this Court.

[5] Having regard to the nature of relief sought for by the petitioner, since the representation of the petitioner is pending before the

concerned respondent authority, this Court without expressing any opinion on the merits of the case, deems it proper to direct the competent authority/respondent No.2 to take a decision upon his representation in accordance with law within a reasonable period preferably within 16(sixteen) weeks from the date of receipt of copy of this order.

[6] The instant petition is disposed of with the aforesaid observations.

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

(APARESH KUMAR SINGH) CJ

SIDDHARTHA LODH

Digitally signed by SIDDHARTHA
LODH
Date: 2024.07.02 17:27:03 +05'30'

Dipesh