

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 448 of 2024

Shri Radheshyam Debnath

---Petitioners(s)

Versus

The State of Tripura and 3 Ors.

---Respondent(s)

For Petitioner(s)	:	Ms. M. Majumder, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, GA. Mr. N. Majumder, Advocate.
Date of hearing and date of judgment and order	:	04.07.2024.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) *Admit the instant writ petition.*
- (ii) *Issue rule calling upon the respondent to show cause as to why a writ in the nature of mandamus or like nature should not be issued upon the respondents to implement the judgment & order dated 03.07.2023 by extending the benefits of CAS/ACP-II to the petitioner in the pay scale of Rs.10000-15100/- w.e.f. 06.05.2002 after completion of 17 years of service counting from the date of entry into service and thereafter to extend the benefit of ACP-III to the petitioner w.e.f. 06.05.2010 after completion of 25 years of service in the pay scale of PB-4 with Grade Pay Rs.6800/- along with arrears of pay & allowance and thereafter finalise the petitioner's pension and other terminal benefits like DCRG and communication value of pension, leave salary along with arrears together with compound interest @ 8% per annum.*
- (iii) *After hearing the parties be pleased to make the rules absolute;*
- (iv) *To pass any other relief/reliefs may be granted as this Hon'ble High Court may deem fit and proper.*

[3] It is the case of the petitioner that as per Government policy ibid in Rule-10 of the TSCS ROP Rules -1999 & ROP 2009 came into force w.e.f. 01.01.1996 and w.e.f. 01.01.2006 respectively. Shri. Radheshyam Debnath, Jr. Engineer, Grade-I, PWD Department (R & B), the present petitioner of this writ petition after getting gradation in

the pay scale of Rs.2000-4410/- on completion of 4(four) years of service including the service period of Overseer which was treated as CAS-I under TSCS ROP Rules-1988, became entitled to CAS-II in the pay scale of Rs. 10000-15100/- w.e.f. 06.05.2002 on completion of 17(seventeen) years of service under ROP Rules- 1999. Thereafter, he became entitled to ACP-III in the pay scale of PB- 4(Rs. 15600-39100/-) + G.P Rs. 6800/- w.e.f. 06.05.2010 under ROP-2009, after completion of 25 (twenty-five) years of total service counting from the date of entry into service. But the A.G (A & E) Tripura authorise/ finalise the CAS-II w.e.f 01.01.2006 instead of actual date 06.05.2002 under ROP-1999 and did not extend the benefit of ACP-III, became entitled w.e.f. 06.05.2010 after completion of 25(twenty-five) years of total service. As such the petitioner preferred a writ petition under No. W.P.(C) 392 of 2023. On motion stage this Hon'ble High Court, having heard the counsel appeared for the petitioner, disposed of the petition by passing a judgement & order dated, 03.07.2023, directing the respondents to consider the case of the petitioner in the light of the demand notice dated, 20.04.2023 submitted by the petitioner to the respondents in accordance with law within a period of 3 months from the date of receipt of copy of this order. But after expiry of stipulated period of 3 months, the petitioner's case was neither considered by the respondents in accordance with law nor any writ appeal against this judgement & order dated, 03.07.2023 has been preferred before the appropriate bench of this Hon'ble High Court. Hence this writ petition.

[4] On perusal of the record, it is seen that a communication dated 21.12.2023 addressed to the Executive Engineer, Sonamura Division PWD (R&B), Sonamura, Sepahijala Tripura was sent by the Sr. Accounts Officer, office of the Principal Accountant General (A&E), Tripura in pursuance of the order dated 03.07.2023 passed in WP(C) 392 of 2023. Later a reminder dated 22.05.2024 was also sent to the Executive Engineer. But none of the communication has been acted upon by the Executive

Engineer, Sonamura Division PWD (R&B), Sonamura, Sepahijala Tripura till date as reported by the counsel for the petitioner.

[5] In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the communications dated 21.12.2023 and 22.05.2024 in accordance with law within a period of two months from the date of receipt of copy of this order.

[6] With the above observation, the present writ petition stands disposed of. As a sequel miscellaneous applications pending, if any, shall stand closed.



JUDGE

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