

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.462 of 2024

1. Sri Dilip Kumar Gowala

S/o- Lt. Laxmi Prasad Gowala, R/o Vill: Chotasurma, P.O. Moracherra, PS: Kamalpur, Dist: Dhalai, Pin-799285, Aged about-48 years.

2. Sri Bikash Debnath

S/o Lt. Nibaran Debnath, R/o- Vill+PO:Salema, P.S:Salema, Dist.: Dhalai, Pin-799278, Aged about-49 years.

3. Smt. Shila Das

W/o Lt. Debdulal Majumder, R/o- Akaura Road, Near Western Club, PO: Ramnagar, PS: West Agartala, Dist: West Tripura, Pin-799002, Age-42 years.

4. Smt. Gita Barman

W/o- Sri Gautam Malakar, R/o- Narayanpur, P.O: Airport, P.S: Airport, Dist: West Tripura, Pin: 799009, Age-43 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 Note-2 of 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 Memorandum dated 16.10.2007 issued by the Finance Department, Govt. of Tripura shall not be set aside and quashed.

(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 in Elementary Education(CETE) for a period of 6(six) months. Upon completion of 6(six) months training, the End Term Examination was held in the month of December, 2008 and the results were published on 15.04.2009 and all the petitioners had successfully passed the End Term Examination in one attempt.

5. It is highlighted in the writ petition by the petitioners that vide notification dated 05.05.2009, Tripura State Civil Service(Revised Pay) Rules, 2009(for short, Rules, 2009) was introduced by the Govt. of Tripura w.e.f. 01.01.2006. Under Rule 13(1)(v) of the Rules, 2009 it was provided that the existing system of granting training incentive to employees in the form of one increment is replaced with lumpsum incentive grant. In the Note to Rule 13(1)(v) it was provided that such system of providing lumpsum incentive grant will take effect from 01.01.2009 for all employees who completed training on or after 01.01.2009. Subsequently, Rules, 2009 was amended vide Notification dated 06.01.2011 providing therein that the

employees who completed full training course and appeared in the End Term Examination prior to 05.05.2009 and passed the examination in all subjects in one attempt, shall be exempted from the purview of Rule 13(1)(v) and will be entitled to training incentive in the form of one increment. Thus, by the amendment of Rules, 2009, the petitioners are entitled to one advance increment, which was denied to them. Hence, the present writ petition.

6. At the very outset, Mr. Dey, learned counsel for the petitioners submitted that this writ petition is well covered by the judgment of this Court dated 28.05.2024 passed in **WP(C) No.187 of 2024** titled as **Smt. Sumana Debbarma and 5 Ors. Vs. The State of Tripura and 2 Ors.** This proposition has not been opposed by learned G.A appearing for the State-respondents.

7. The relevant portion of the said judgment may be reproduced here-in-below:

“6. I have noticed that the respondents-State at para 5 and 6 of their counter affidavit have admitted that the petitioners are entitled to one increment. The averments made in para 5 and 6 of the counter affidavit may be reproduced here-in-below:

“5. That, with respect to paragraphs-1 to 10 of the writ petition, I humbly submit that on scrutiny of all documents annexed in file of Smt. Sumana Debbarma & Others, it appears that the petitioners were appointed as PGT on 01.08.2007 except Sl. No.1 joined on 07.08.2007 and successfully completed T.Ed/CETE certificate course in service on 15-04-2009. Hence, they are eligible for one advance increment as per Judgement & Order dated 31.07.2023 passed in Review Pet. 21 & 24/2023 in terms of provision 13(i)(v) of ROP, 2009.

Details of all the petitioners in connection with WP(C) No.187 of 2024 are as follows:

SL. No.	Name of the petitioners	Date of Appointment	Publication date of B.Ed. training
1	2	3	4
1.	Smt. Sumana Debbarma, PGT K.K.S.M. HS School, Agartala	07/08/2007	15/04/2009
2.	Smt. Habita Reang, PGT Bokafa Ashram H.S. School, Santirbazar	02/08/2007	15/04/2009
3.	Smt. Anjana Chakma, PGT Abhoynagar N.S. Vidyalaya, Agartala	02/08/2007	15/04/2009
4.	Smt. Tanusree Debbarma, PGT Abhoynagar N.S. Vidyalaya, Agartala	02/08/2007	15/04/2009
5.	Smt. Mira Debbarma, PGT Paikhola H.S. School, Santirbazar	02/08/2007	15/04/2009
6.	Smt. Rita Reang, PGT Barjala H.S. School, Agartala	02/08/2007	15/04/2009

6. That, with respect to paragraphs-11 to 33 of the writ petition, I humbly submit that all the petitioners are eligible for one advance increment as per Judgement and order dated 31-07-2023 passed in Review Pet No. 21 & 24 of 2023 by the

Hon'ble High Court of Tripura and vide Finance Department Memo No.F.6(1)-FIN(PC)/08 dated 06.01.2011 in terms of Rule 13(1)(v) of ROP,2009."

7. *In the light of clear admission made by the respondents-State as mentioned at para 5 and 6 of their counter affidavit, the instant writ petition is allowed with a direction to the respondents-State to extend the benefit of one increment to the petitioners within a period of 3(three) months from today. The said benefit may be fixed notionally for the purpose of pension and the arrears may be granted to the petitioners from the date of filing of the instant writ petition. The Service Book of the petitioners may be corrected accordingly.*

Accordingly, the instant writ petition stands disposed."

8. Since the factual aspects of the present writ petition is similar and identical to the subject matter of the case of **Smt. Sumana Debbarma(supra)**, the present writ petition is also, therefore, allowed and disposed of in the same terms.

9. The respondents are directed to pay one advance increment and other financial benefits in line with the directions given in **Smt. Sumana Debbarma(supra)**.

10. The entire process shall be completed within a period of 4(four) months from the date of receipt of a copy of this order.

11. With the above observation and directions, the instant writ petition stands disposed of.

Pending application(s), if any, also stands disposed.

JUDGE