

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 466 of 2024

Swadesh Paul

---Appellant(s)

Versus

The State of Tripura and 2 Ors.

---Respondent(s)

For Appellant(s)	:	Mr. D. Bhattacharjee, Sr. Advocate. Mr. Samar Das, Advocate. Mr. S. Saha, Advocate.
For Respondent(s)	:	Mr. K. De, Addl. GA.
Date of hearing and date of judgment and order	:	11.09.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard Mr. D. Bhattacharjee, learned senior counsel appearing for the petitioner and also heard Mr. K. De, learned Addl. GA appearing for the respondents.

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

- (i) *Admit this petition;*
- (ii) *Issue notice upon the respondents*
- (iii) *Call for the records and*
- (iv) *After hearing the parties please to Issue a Writ in the nature of Mandamus directing the Respondents and each of them to consider the memorandum No.F.DI/Pers(xi-752)/200/(P)10472-79 dated 03.06.2019 whereby the respondents allowed the pay scale of the petitioner to the tune of Rs.7800-15100 (Pre-Revised) and release the financial benefits of the petitioner along with interest forthwith. And also*
- (v) *Issue a Writ in nature of Certiorari directing the Respondents and each of them to set aside/quash the memorandum No.F.NO.DI/Legal/12(919)/2022/14962-63 dated 29-08-2022 whereby the respondents rejected the legitimate claim of the petitioner.*

[3] It is the case of the petitioner that the petitioner earlier filled one writ petition. In the said writ petition the petitioner asserted that the petitioner was initially appointed as a junior engineer under respondents. The respondent no. 3 by a notification amended the Tripura State Civil Services (Revised Pay) Rules 1999,

having its retrospective effect from 01.01.1996. By this amendment, the respondent no. 3 given effect the time bound movement of junior engineer up to the scale of Rs. 10000-15100 subject to the eligibility. Accordingly, the respondent No. 1 & 2 did not carried out any necessary steps to provide benefit to the petitioner. Accordingly, petitioner filed one writ petition before the this Court, after filling of this writ petition the respondent issued one letter to the petitioner whereby the respondents allowed the pay scale of the petitioner to the tune of Rs. 7800-15100/-(Pre- Revised) on completion of 8 years of continuous service with effect from 15-05-2016 and requested the petitioner to withdraw the writ petition as the prayer of the petitioner has already been approved Accordingly the petitioner herein on 26-06-2019 withdrew the writ petition but till today the respondents never provide any benefits to the petitioner. Hence, the petitioner is compelled again to approach before this Court for seeking relief as the respondents illegally rejected the claim of the petitioner.

[4] On the contrary, Mr. K. De, learned Addl. GA appearing for the respondents has submitted before this court that he intends to file counter affidavit against the claim of the petitioner. He further prayed to dismiss the petition by stating that the impugned order dated 29.08.2022 is just and proper and does not need any interference from this court.

[5] Having considered the submission as advanced by the counsel for the parties and also having perused the record, this Court finds that the impugned order 29.08.2022 passed by the respondents is without showing any proper reason. In view of the same, this Court finds that by way of filing any counter affidavit the unreasoned impugned order cannot be supplemented. Hence, this court is of the opinion that a fresh reasoned order needs to be passed to meet proper ends of justice. Accordingly, the impugned order 29.08.2022 is set aside. It is also made clear that such exercise of

passing the reasoned order shall be executed as expeditiously as possible, preferably within one month from the date of receipt of the copy of this order.

[6] In view of the above discussion, the impugned order dated 29.08.2022 is set aside and this Court remands back the matter to the respondents to pass a reasoned order.

[7] With the above observation and direction, the petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

Dipak



JUDGE