

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.510 of 2024**

Dhirendra Barman, son of Late Haralal Barman, resident of West Joynagar,  
PO-Agartala, PS- West Agartala, District- West Tripura, Pin-799001

.....Petitioner(s);

Versus

1. The State of Tripura, represented by the Commissioner & Secretary to the Rural Development Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District- West Tripura
2. The Commissioner & Secretary, Finance Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District- West Tripura
3. The Deputy Secretary, Finance Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital Complex, Sub-Division- Sadar, District- West Tripura
4. The District Magistrate & Collector, West Tripura District, Akhaura Road, PO- Agartala, PS- West Agartala, District- West Tripura, Pin-799001
5. The District Magistrate & Collector, South Tripura District, PO & PS- Belonia, District- South Tripura, Pin-799155
6. The Block Development Officer, Dukli R.D. Block, Agartala, District- West Tripura

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,  
Mr. Koomar Chakraborty, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**Order**

**26/07/2024**

Heard Mr. Koomar Chakraborty, learned counsel for the petitioner  
and Mr. Mangal Debbarma, learned Additional Government Advocate for the  
respondents-State.

2. Petitioner has made a prayer for the following reliefs:

“i) *Issue Rule*, calling upon the Respondents and each one of them, to show cause as to why a Writ of *Mandamus* and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned Memorandum dated 26.08.2019 (Annexure-11 supra);

- ii) *Issue Rule*, calling upon the Respondents and each one of them, to show cause as to why a Writ of **Mandamus** and/or in the nature thereof, shall not be issued, mandating/directing them to **fix** the pay of the Petitioner at **Rs.9,920/-**, with effect from the date of his *promotion* to the post of **Upper Division Clerk** (i.e., w.e.f. **31.03.2015**), along with **arrears of financial benefits**, as per the 6<sup>th</sup> Amendment to the ROP Rules, 2009, and to **re-fix** the pay of the Petitioner at **Rs.10,620/-**, with effect from the said date of **31.03.2015**, alongwith **arrears of financial benefits**, with effect from **01.04.2015**, i.e., after the promulgation of the 12<sup>th</sup> Amendment to the ROP Rules, 2009, in parity with said Sri Kriti Bhushan Chakma, said Sri Atul Debbarma, said Abu Kalam Choudhury & said Amritangshu Bal, for the period, stretching from **31.03.2015** (i.e., with effect from the date of his promotion to the post of UDC) to **till date**;
- iii) Call for the records, appertaining to this Writ Petition;
- iv) After hearing the parties, be pleased to make the Rule absolute in terms of (i) and (ii) above;
- v) Cost of and incidental to this proceeding
- vi) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;"

3. Petitioner has pleaded that he initially joined on the post of Lower Division Clerk on fixed pay basis under the Rural Development Department, Government of Tripura on 21.02.2009. On 21.02.2014, he was granted regular scale of pay under Pay Band-2, Rs.5310-24000/- with Grade Pay of Rs.1800/-. He was promoted on 31.03.2015 to the post of Upper Division Clerk in the scale of pay under Pay Band-2, Rs.5310-24000/- with Grade Pay of Rs.2100/-, but his pay was wrongly fixed at Rs.8940/- instead of Rs.9920/- and subsequently should have been Rs.10620/-. By virtue of the memorandum dated 26.08.2019, the pay of the petitioner was notionally fixed at Rs.10620/- in the Grade Pay of Rs.2800/- with effect from the next date of his promotion to the post of UDC i.e. 01.04.2015 but the financial benefits therefrom were not released in his favour. Petitioner contends that one Abu Kalam Choudhury serving as Accountant under the Rural Development Department, Government of Tripura had filed a writ petition being WP(C) No.953/2021 before this Court questioning the legality, validity and sustainability of the memorandum dated 26.08.2019 and also claiming the relevant financial benefits for the period between the date of his promotion as UDC till 31.08.2019. By order dated

27.03.2023, the writ petition was allowed directing the respondents to make payment of the relevant arrears of financial benefits in his favour. Petitioner also relies upon the case of one Sri Amritangshu Bal who had approached this Court in WP(C) No.954/2021 and got similar relief. Those orders are annexed as Annexure-12 series to the writ petition which were disposed of on the same date i.e. 27.03.2023. Petitioner, being similarly situated, has approached the respondent-Secretary, Rural Development Department and the District Magistrate & Collector, West Tripura District with a representation on 06.03.2024 for fixation of his pay and release of arrears of financial benefits stretching from 31.03.2015 till date i.e. with effect from the date of his promotion to the post of Upper Division Clerk. However, since the grievance of the petitioner has remained unredressed, he has approached this Court under Article 226 of the Constitution of India.

4. Mr. Koomar Chakraborty, learned counsel for the petitioner, submits that since the case of the petitioner is on similar footing as that of the other two persons namely Abu Kalam Choudhury and Amritangshu Bal who have been granted the same benefit by virtue of the orders passed by this Court in WP(C) No.953/2021 and WP(C) No.954/2021 respectively and the learned Court held that restriction to give financial benefits with effect from 01.09.2019 in view of the memorandum dated 26.08.2019 was wholly unsustainable; petitioner is also entitled to get similar benefits. As such, appropriate directions may be issued upon the respondents to grant similar benefits to the petitioner.

5. Learned Additional Government Advocate Mr. Mangal Debbarma appearing for the respondents-State submits that since the matter has been taken up for the first time today, instructions are awaited. However since the representation of the petitioner is pending before the respondents No.1 & 4 respectively, at this stage, instead of entering into the merits of the case, the writ petition may be disposed of with suitable direction upon the competent authority to take a decision on the grievance of the petitioner as conveyed through his representation.

6. Having regard to the facts and circumstances noted above and that the matter relates to pay fixation and arrears of pay from a retrospective date i.e. the date on which petitioner claims to have been promoted as Upper Division Clerk, and that petitioner pleads that same issue has been decided by this Court in other writ petitions leading to consequential benefits to the said petitioners, this Court instead of entering into the merits of the matter at this stage deems it proper to dispose of the writ petition with a direction upon the competent authority/respondent No.1 and/or 4 to pass a reasoned order on the representation of the petitioner in accordance with law within a reasonable time preferably 12(twelve) weeks from the date of receipt of copy of this order. Let it be made clear that this Court has not made any comments on the merits of the claim of the petitioner.

**(APARESH KUMAR SINGH), CJ**

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