

**HIGH COURT OF TRIPURA
AGARTALA**

Review Pet. No.24 of 2024

1. The Union of India, through the Comptroller and Auditor General of India, Deen Dayal Upadhyay Marg, New Delhi-110124.
2. The Pr. Accountant General (Audit), Tripura, P.O.- Kunjaban, Agartala, Tripura-7990006

.....Petitioner(s);

Versus

1. Sri Biltu Saha, Assistant Audit Officer, S/O.- Sri Kalidas Saha, O/o the Pr. Accountant General (Audit), Tripura, Agartala, P.O Kunjaban, Agartala, Tripura, Pin-799006
2. Sri Niranjana Nayak, Assistant Audit Officer, S/O.- Sri Prafulla Kumar Nayak, O/o the Pr. Accountant General (Audit), Tripura, Agartala, P.O Kunjaban, Agartala, Tripura, Pin-799006
3. Sri Seiminlal Singsit, Assistant Audit Officer, S/O.- Sri Haopao Singsit, O/o the Pr. Accountant General (Audit), Tripura, Agartala, P.O Kunjaban, Agartala, Tripura, Pin-799006
4. Sri Helun Kipeng, Assistant Audit Officer, S/O Sri Paokhosei Kipeng, O/o the Pr. Accountant General (Audit), Tripura, Agartala, P.O Kunjaban, Agartala, Tripura, Pin-799006
5. Sri Peeyoosh Kumar, Assistant Audit Officer, S/O. Ram Sukh Bhartiya, O/o the Pr. Accountant General (Audit), Tripura, Agartala P.O Kunjaban, Agartala, Tripura, Pin-799006
6. Shri Nripendra Chandra Biswas (Audit Officer now Retired Senior Audit Officer) O/o the Pr. Accountant General (Audit), Tripura, P.O Kunjaban, Agartala, Tripura, Pin-799006
7. Shri Rupak Debbarma (Assistant Audit Officer) O/o the Pr. Accountant General (Audit), Tripura PO Kunjaban, Agartala, Tripura, Pin-799006.
8. Sri Rohan Das, (Assistant Audit Officer) O/o the Pr. Accountant General (Audit), Tripura, P.O Kunjaban, Agartala, Tripura, Pin- 799006

.....Respondent(s).

For Petitioner(s) : Mr. Debalay Bhattacharya, Sr. Advocate,
Mr. Samar Das, Advocate.

For Respondent(s) : None.

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

Order

01/10/2024

Heard Mr. Debalay Bhattacharya, learned senior counsel assisted
by Mr. Samar Das, learned counsel for the review petitioners.

2. The Union of India has sought review of the judgment dated 05.08.2024 passed by this Court in WP(C)(CAT) No.02/2024 whereby this Court has refused to interfere in the order dated 14.12.2023 passed by learned Central Administrative Tribunal, Guwahati Bench in Original Application No.041/00161/2018.

3. Mr. Debalay Bhattacharya, learned senior counsel for the petitioners, has drawn the attention of the Court to para 5.6.6 which is part of the CAG's Manual of Standing Orders (Administrative) Volume-I (Third Edition) under Chapter V dealing with Section Officers' service. He submits that the instant provision postulates that a directly recruited Section Officer shall rank immediately below the last Section Officers' Examination passed member of the staff officiating in the Section Officers grade on the date on which he takes over charge as a regular Section Officer. Therefore, in terms of the instant administrative instruction, the directly recruited Section Officers even after passing of the probation exam would rank junior to the promoted Section Officers. It is submitted that though the applicants/private respondents herein before the learned CAT, may have joined service prior to the promotee officers on the post of Section Officers, but since they passed the probation exam later and were confirmed as regular officer, their seniority would count from the date they became regular Section Officer. This aspect of the matter has not been properly dealt with by this Court in the impugned judgment. Therefore, a review of the impugned order has been sought for. He submits that the judgment passed in CWP No.49 of 2017 by the High Court of Himachal

Pradesh in the case of *CAG and another v. Deepak Sharma & others* was challenged before the Apex Court in Special Leave Petition (Civil) Diary No.12997/2024. However, the Apex Court vide judgment dated 17.05.2024 has refused to interfere in the judgment and order passed by the High Court of Himachal Pradesh in the case of *Deepak Sharma* (supra) and dismissed the special leave petition. He submits that a review petition has been filed before the Apex Court against the said judgment. However, the final outcome thereof is awaited. On these grounds, learned senior counsel for the petitioners has prayed for review of the impugned judgment.

4. We have considered the submission of learned senior counsel for the petitioners and taken note of the grounds urged. Upon consideration of the submission of learned senior counsel for the petitioners, none of the grounds urged make out a case of review of the impugned judgment. The relevant para 5.6.6 relied upon by learned senior counsel for the petitioners has been squarely dealt with by the High Court of Himachal Pradesh in CWP No.49 of 2017 and has also been taken note of in the impugned judgment by this Court. Moreover, the judgment in the case of *Deepak Sharma* (supra) rendered by the High Court of Himachal Pradesh has been affirmed by the Apex Court in Special Leave Petition (Civil) Diary No.12997/2024. This Court has followed the ratio rendered in the case of *Deepak Sharma* (supra) wherein it was held that the Union of India did not have the power to issue instructions as mentioned in para 5.6.2 and 5.6.6 of the Standing Orders which are not in consonance with the Recruitment Rules of 1989. As such, petitioners have

failed to make out a case for review of the impugned judgment. The instant petition is accordingly dismissed.

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

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ



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