

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.636 of 2024

Nilima Sarkar

..... *Petitioner(s)*

V E R S U S

The State of Tripura and others

..... *Respondent(s)*

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

For Respondent(s) : Mr. Kohinoor N Bhattacharya, G.A.,
Mr. B.N. Majumder, Sr. Advocate,
Mr. B. Paul, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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04/10/2024

Heard Mr. Koomar Chakraborty, learned counsel for the petitioner. Also heard Mr. Kohinoor N Bhattacharya, learned Government Advocate appearing for the State-respondents and Mr. B.N. Majumder, learned senior counsel appearing for the respondent No.3.

The petitioner was appointed as a Lower Division Clerk (LDC) on 7th February, 2017 in the Office of District & Sessions Judge, North Tripura, Dharmanagar. After getting regular scale of pay on 13th January, 2020, she was promoted as Upper Division Clerk (UDC) on 18th May, 2022. Petitioner participated in a recruitment exercise for appointment to the post of PA-II (Jr. Grade Stenographer) (Group-C) in the District Judiciary of Tripura for which she obtained No Objection from the employer on 2nd July, 2022. After being selected, she offered technical resignation on 28th November, 2022 and was released on 3rd May, 2023 by the establishment of learned District & Sessions Judge, North Tripura, Dharmanagar to join at the

newly appointed post under the District & Sessions Judge, Khowai Tripura. Petitioner joined on 4th May, 2023 on fixed pay basis in the Court of learned Civil Judge (Sr. Division) & Assistant Sessions Judge, Khowai Tripura. She has made a representation on 19th May, 2023 for counting of her past services for regular pay scale, forwarding of the leave benefits, LTC, GPF and finally for pensionary benefits. She has also submitted a reminder on 29th September, 2023 but her representations have not been disposed of. Therefore, she has been compelled to approach this Court.

Learned counsel for the petitioner submits that it would suffice if a direction is issued upon the competent authority/respondent No.4 to take a decision on the representation of the petitioner in accordance with law within a reasonable period.

Mr. B.N. Majumder, learned senior counsel for the respondent No.3 submits that the matter has been taken up for the first time and instructions have not been received and since the representation of the petitioner is said to be pending, the writ petition may be disposed of with a direction upon the competent authority/respondent No.4 to take a decision on her representation, in accordance with law.

Having regard to the facts and circumstances noted above and on consideration of submissions of learned counsel for the parties, since it is a claim of counting of past services raised by the petitioner who has joined her new post after offering technical resignation from her previous establishment and that her representations have not yet been disposed of, this Court, therefore, instead of entering into the merits of the case, deems it

proper to dispose of the writ petition with a direction to the competent authority/respondent No.4 to take a decision 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.

The writ petition is disposed of. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ

DIPESH DEB

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