

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 678 of 2024

Shri Pradip Chandra Deb	Versus	 Petitioner(s)
State of Tripura and others		Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Mr. P. Chakraborty, Advocate
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For Respondent(s)	:	Mr. D. Sarma, Addl. G.A.
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HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

08.11.2024

This writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:

- “(i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for transmitting the records, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Pay Slip dated 22.02.2024 (Annexure-5 supra), insofar as it relates to the reduced basic pay of the petitioner;
- (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, for mandating/directing them, to revoke/rescind the impugned Pay Slip dated 22.02.2024 (Annexure-5 supra), insofar as it relates to the reduced basic pay of the petitioner, and thereupon, to forthwith fix the pay of the petitioner, at par with the proforma respondent, by way of stepping up of pay, with effect from the date, the relevant pay anomaly arose (01.04.2017), and thereupon, to grant all the consequential benefits in connection therewith, including arrears thereof;
- (iii) After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (ii) above;
- (iv) Costs of and incidental to this proceeding.....”

[2] It is the case of the petitioner that on completion of about 37 years of service and on attaining the age of superannuation on 28.02.2024, he retired from his service while holding the post of Programme Helper, Group C. He was promoted to the post of Programme Helper, Group C on 13.03.2012. It is contended that the proforma respondent was promoted to the same post of Programme

Helper, Group C on 04.02.2017, i.e., much later than the petitioner. According to the petitioner, the proforma respondent and one Sri Swapan Sarkar (now retired), in spite of being juniors to him, holding the same promotional post of Programme Helper, Group C, were drawing a higher Basic Pay, as compared to the petitioner. It is further contended that, on 01.04.2017, the basic pay of the petitioner was Rs.28,750/ and on the contrary, on that same date the proforma respondent and one Sri Swapan Sarkar (now retired), who were juniors to the petitioner, were drawing a basic pay of Rs.29,620/-, i.e., an excess of Rs.870/- from the petitioner. Being dissatisfied with that, on 01.02.2019, the petitioner submitted a letter to the Deputy Director, Tribal Rehabilitation in Plantation & Particularly Vulnerable Tribal Group Government of Tripura, inter alia praying for rectification of his basic pay as per rule. But, even though, the petitioner was senior to the proforma respondent, he was drawing a lesser basic pay. The petitioner, again on 27.12.2022, submitted a representation to the Director, TRP & PTG, Government of Tripura, inter alia praying for stepping up the pay of the petitioner with the proforma respondent, as per the Tripura State Civil Services (Revision of Pay) Rules, 2017, but no response was made to the said representation. Being aggrieved, the petitioner has approached this Court by way of filing this writ petition.

[3] Heard Mr. Somik Deb, learned senior counsel assisted by Mr. P. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing on behalf of the State respondents.

[4] It is seen from record that on 27th December, 2022, a representation was made by the petitioner to the concerned

respondent-department seeking his demand, but till date, the same has not been considered by the concerned authority.

[5] In view of the above, without going into the merits of the case, this Court directs the concerned official respondents to consider the case of the petitioner in the light of his representation dated 27.12.2022 in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this Court.

With the above direction, the present writ petition is disposed of. As a sequel, miscellaneous application(s), if any, shall also stand closed.

JUDGE



Sabyasachi G.