

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.712 OF 2023**

Kalu Das and ors.

.....Petitioner(s)

Versus

The State of Tripura and ors.

.....Respondent(s)

For the Appellant(s) : Mr. K. Chakraborty, Advocate.

For the Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.

Date of hearing and delivery of
Judgment & Order : 14.08.2024.

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This present 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 Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them to revoke/rescind the impugned Memoranda, each dated 29.09.2022 (Annexure-8 supra), insofar as the same relate to the erroneous fixations of pay, made in connection with the benefits of ACP-II & MACP-III;

(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 re-fix the benefit of ACP-II (w.e.f. from the date of completion of total 17 years of service), in the scale of PB-4 (Rs. 13,575-37,000/-) with Grade Pay-Rs.4,500/- (revised pay scale of Rs. 10,000-15,100/-), instead of, PB-4 (Rs.13,575-37,000/-) with Grade Pay-Rs.3,700/- (revised pay scale of Rs.7,800-15,100/-), as granted earlier on account of the benefit of ACP-II, vide the impugned Memoranda, each dated 29.09.2022 (Annexure-8

***supra*), and thereupon, to re-fix the subsequent financial up-gradation of MACP-III (w.e.f. from the date of completion of total 25 years of service), in terms of the said enhanced re-fixation of ACP-II, alongwith arrears thereof, in favour of the Petitioners;**

(iii) 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 designate the existing posts, held by the Petitioners as Junior Engineer (Mechanical) Grade-1 (with effect from the date of completion of 4 years of service/grant of the benefit of CAS-I), in terms of the relevant Recruitment Rules, the Finance Department's Memoranda dated 02.03.1991 & 12.09.1991 and the Judgment & Order (Oral) dated 17.07.2013, passed in WP(C) No.17 of 2008, by the Hon'ble Division Bench of this Hon'ble High Court (Annexures-3, 4, 5 & 6 respectively supra);

(iv) 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 declare the posts, held by the Petitioners as Group-B, Gazetted, in terms of the Notification dated 23.09.2016 (Annexure-9 supra);

(v) 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 include the names of the Petitioners in the common Seniority List of Diploma Holder Junior Engineers (Mechanical), Department of Agriculture, Government of Tripura;

(vi) 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 disburse the present pay & allowances of the Petitioner Nos.2 & 3 (i.e., Sri Mukul Debbarma & Sri Susanta Deb Barma respectively), in the modified pay structure (as granted consequent upon the fixation of the benefits of CAS-I, ACP-11 & MACP-III), as indicated in the impugned Memoranda, each dated 29.09.2022 (Annexure-8 supra), along with arrears accrued till date, due to non-grant of such pay & allowances;

(vii) Petition; Call for the records, appertaining to this Writ

(viii) After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (vi) above;

(ix) Costs of and incidental to this proceeding

(x) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;"

2. It is the case of the petitioners that they are entitled to the benefits as stated in the prayer and accordingly they filed

separate representations dated 10.10.2023 before the respondent No.3. But the same were not considered. Pending the same, the present writ petition is filed. The counter affidavit has also been filed by the respondents.

3. Heard Mr. K. Chakraborty, learned counsel appearing for the petitioners as well as Mr. Kohinoor N. Bhattacharjee, learned G.A. appearing for the State-respondents and perused the evidence on record.

4. Since there is no order passed upon the request of the petitioners, this Court without expressing any opinion on its merit, directs the respondents to consider the representations dated 10.10.2023 submitted by the petitioners within a period of 3(three) months from the date of receipt of the copy of this Order. The said decision be communicated by the respondents to the petitioners herein.

5. With the above observation and direction, this present writ petition is disposed of. As a sequel, stay if any stands vacated Pending application(s), if any also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR SUHANJIT
SINGHA
Date: 2024.08.16 16:59:21
+05'30'