

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.750 of 2023**

Sri Sunil Chandra Das

..... Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s)

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For Petitioner(s) : Mr. C.S. Sinha, Advocate.

For Respondent(s) : Mr. Kohinoor N. Bhattacharyya, G.A.,  
Mr. D. Sarma, Addl. G.A.,  
Mr. Ratan Datta, Advocate.

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

**Order**

**25/01/2024**

Heard Mr. C.S. Sinha, learned counsel for the petitioner and Mr. Kohinoor N. Bhattacharyya, learned Government Advocate for the respondents-State. Also heard Mr. Ratan Datta, learned counsel for the respondent No.3.

2. The grievance of the petitioner is in a narrow compass. He is working on the post of Fishery Assistant since 07.03.2009 and claims promotion to the post of Fishery Inspector. He is at serial number 178 in the Seniority List as per the memorandum dated 09.02.2021 [Annexure-4]. According to the petitioner, as many as 97 vacancies of Fishery Inspector have been filled up on ad-hoc promotion vide notification dated 23.05.2022 [Annexure-5]. The 100 point roster verification for the post of Fishery Inspector issued on 09.12.2021 shows that there are 85 permanent posts of Fishery Inspector and for promotion, there are 15 posts for SC, 26 posts for ST and 44 posts for UR. According to the petitioner, under the notification dated 23.05.2022, 12 vacancies more have been filled up over 85 permanent posts. In

that exercise instead of filling up of 15 vacant posts of SC category, 14 vacancies out of 15 have been filled up and remaining one post for SC is still vacant. Therefore, the petitioner made a prayer for consideration of his case for ad-hoc promotion against the unfilled vacancy for SC category on 22.09.2023 [Annexure-7]. Having received no response, he has approached this Court.

3. Respondents No.1 & 2 have filed Counter Affidavit. Mr. Kohinoor N. Bhattacharyya, learned Government Advocate has referred to the averments made in paragraphs 6 & 7 of the Counter Affidavit and submitted that mandatory one year basic Fisheries training from Tripura Fisheries Training Institute (TFTI), Udaipur is required in terms of Rule 5(iii) of Tripura Fisheries Service Rules, 2012 prior to absorption in the cadre i.e. TFFS Grade-III. Then only promotion to the post of Fishery inspector TFFS Grade-II can be considered as per service rules. Petitioner, a Fishery Assistant, was in 22<sup>nd</sup> batch of TFTI, Udaipur consisting total 25 numbers of trainees and their result of passing out one year training at TFTI was declared on 14.06.2021 vide memorandum of the same date. In the meantime, the absorption process in the cadre of earlier batch of 28 numbers of Fishery Assistants who had qualified mandatory training from TFTI, Udaipur was already in advanced stage in respect of which, the entire process was completed on 14.07.2021 [Annexure-R/2]. Accordingly, the promotion to the post of Fishery Inspector TFFS Grade-II from the feeder post of Fishery Assistant TFFS Grade-III who had been absorbed in the cadre service from the earlier batch of pass out trainees were given during the year 2022, but petitioner was not promoted to TFFS Grade-II because he and his batch consisting 25 numbers of Fishery Assistants were not absorbed by then in the cadre service of Fishery Department. However, the

process for absorption in cadre service of two batches including the batch of the petitioner i.e. 25+23=48 numbers of Fishery Assistants Grade-III who have qualified one year basic training from TFTI, Udaipur is in process and very shortly the entire absorption would be done for consideration of promotion to the next higher post i.e. Fishery Inspector TFFS Grade-II. It is further stated that the process of absorption of the petitioner in cadre service has already been initiated and vigilance clearance certificate has also been obtained vide memorandum dated 28.11.2023 [Annexure-R/4].

4. Both Mr. Kohinoor N. Bhattacharyya, learned Government Advocate for the respondents-State and Mr. Ratan Datta, learned counsel for the respondent No.3, submit that since the process is underway, the matter can be disposed of with a direction upon the respondents to take a decision on the issue of absorption of the petitioner in the cadre service in TFFS Grade-III and thereafter for his promotion in TFFS Grade-II as per the rules.

5. Mr. C.S. Sinha, learned counsel for the petitioner, submits that a direction may be issued upon the competent authority under respondent-department to conduct this exercise in a time bound manner.

6. Having taken note of the relevant materials placed from the writ petition and the Counter Affidavit of the respondents-State, and upon consideration of rival submission of the parties, instead of observing either way on the merits of the case, since the process of absorption of the petitioner along with other Fishery Assistants in TFFS Grade-III is already underway upon completion of the mandatory one year training in terms of Rule 5(iii) of the Tripura Fisheries Service Rules, 2012 and for consideration for further ad-hoc

promotion to the next higher post of Fishery Inspector TFFS Grade-II, this Court deems it proper to dispose of the writ petition with a direction to the competent authority under the respondent-department to complete the exercise of absorption of the petitioner and other similarly situated Fishery Assistants and upon such absorption, take a further decision in respect of the promotion of eligible persons like the petitioner to the post of Fishery Inspector TFFS Grade-II in accordance with law preferably within a period of 3(three) months from the date of receipt of copy of this order.

7. Writ petition is disposed of. Pending application(s), if any, shall stand disposed of.

**(APARESH KUMAR SINGH), CJ**