

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

WP(C) No.771 of 2024

Sri Himangshu Sekhar Chanda

....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 5 Others

.....Respondents

For Petitioner(s)	:	Mrs. S. Deb (Gupta), Advocate.
For Respondent(s)	:	Mr. D. Bhattacharya, Sr. Advocate.
		Mrs. P. Chakraborty, Advocate.
		Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

13.12.2024

Heard.

[2] The present writ petition has been filed under Article-226 of the Constitution of India for setting aside the letter dated 10.06.2024 issued by the A.G. (A&E) i.e. the respondent No.6 by which the petitioner's last pay was reduced to Rs.1,09,800/- and GP Rs.5,400/- from Rs.1,13,600/- and GP Rs.6,600/-. Further, to comply the notification dated 07.11.2014 issued by the respondent No.1 amending the Tripura State Civil Service (Revised Pay) Rules (11th Amendment) 2014 whereunder the Finance department inserted Rule-10(13) in the amendment of Tripura State Civil Service (Revised Pay) 11th Amendment, 2014.

[3] The facts in brief are that on 3rd April 1986, the petitioner has been joined in the post of Overseer as a Diploma Civil Engineer & later on redesignated as J.E. Gr.II. Subsequently, after completion of 4 (Four) years continuous service in the post of JE-11 on 02.04.1990 he was upgraded to the post of J.E. Grade-I [Renamed as Junior Engineer, TES Gr.V(A)] on 03.04.1990. The petitioner has completed his 17 years of service (21 years since joining) on 02.04.2007 i.e. before more than two years from the date of notification of ROP 2009 on 05.05.2009. After completion of 17 (Seventeen) years (Total 21 years since joining) of continuous service in the same post of J.E. Grade-V(A), the petitioner moved to Gr.IV on 03.04.2007 from the Grade V(A). Accordingly 2nd CAS/ACP with up-gradation of Pay Scale to Rs. 10,000-15100/- was granted by the higher authority.

[4] The petitioner then got an AD-HOC promotion on 04.10.2021 to TES Gr.IV, without any Financial Benefit, in pursuance of Notification No: F.6(35)-

PWD(E)/2021/10181-580, dated 30.09.2021 & Memorandum No. F.6 (25)-PWD(GE)/2017/18240-335, dated 29.01.2022, of the Deputy Secretary PWD. Thereafter, on 29.02.2024 the petitioner retired from his service on superannuation & with reference to the above my pension proposal has been initiated by you with LPC Pay: Rs. 1,13,600/-, G.P- Rs. 6,600/- under PB-4 as per ROP, 2018 but the A.G. authority passed my PPO vide No. 112447133, dt: 22.05.2024 & a letter vide No. Pen-2/PR No- 22/2024-25/26066, dated 10.06.2024, of the A.G (A&E), Tripura, by fixation of my pay at reduced at the rate of last Basic Pay: Rs. 1,09,800/- & GP: Rs. 5,400/- instead of proposed BP: Rs. 1,13,600/- & GP: Rs. 6,600/-. I am not satisfied with the pay fixation of the A.G., Tripura.

[5] Thereafter, on 25.06.2024 the petitioner has submitted a representation to the respondent Nos. 4, 5 & 6 requesting to take up the matter with the higher authority so as to resolve the issue of his Pay Fixation on the basis of his last drawing salaries as per fixation on TSCS Pay Rules, Tripura Engineering Service Rules & Regulation of Government time to time under reference please. But the respondents neither took any steps to consider the matter of the petitioner nor have given any reply to his aforesaid representation dated 25.06.2024.

[6] Hence, the present petition has been filed before this Court for redress.

[7] In view of above and having heard the learned counsel appearing for the parties without expressing any opinion on merits, this Court is of the view that ends of justice would be met if the matter is disposed of by directing the respondents to consider the representation filed by the petitioner within a period of three months from the date of receipt of the copy of this order and accordingly, the same is ordered.

[8] In that view of the matter, the present petition stands disposed of. As a sequel, Miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J