

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 795/2023

Smt. Babita Debbarma and anr.

----Petitioner(s)

Versus

The State of Tripura and 2 ors.

----Respondent(s)

For Petitioner(s) : Mr. A. Bhaumik, Advocate

For Respondent(s) : Mr. Kohinoor N. Bhattacharyya, GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

23/02/2024

By means of filing the present writ petition, the petitioners have prayed for following reliefs:

“(i) Issue notice upon the Respondents.

(ii) Call for the Records.

(iii) Issue rule calling upon the respondents to show cause as to why the Petitioners shall not be granted the benefit of one increment under Note-2 of Rule 13(1)(v) of the TSCS(RP) Rules, 2009 along with arrears of financial benefit.

AND

Issue Rule calling upon the Respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue Rule calling upon the Respondents to show cause as to why the Memorandum dated 16.10.2007 issued by the Finance Department, Govt. of Tripura shall not be set aside and quashed.

(iv) And after hearing the parties, be pleased to make the rule absolute.”

2. Heard Mr. A. Bhaumik, learned counsel appearing for the petitioners. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

3. Briefly stated, the petitioners were appointed as Post Graduate Teachers on fixed pay basis on different dates. Thereafter, they were to remain on fixed pay for a period of 5(five) years after joining to their service. On completion of 5 (five) years on fixed pay, the petitioners were given the benefit of regular pay scale vide Memo dated 05.01.2011. Thereafter, vide memorandum dated 01.01.2008, both the petitioners of the instant writ petition were selected for

undergoing training for Certificate course in Teacher Education (T.Ed) for a period of 6(six) months. Upon completion of 6(six) months training, the End Term Examination was held in the month of December, 2007 and the results were published on 11.09.2008 and both the petitioners had successfully passed the End Term Examination in one attempt.

4. It is highlighted in the writ petition by the petitioners that vide notification dated 05.05.2009, Tripura State Civil Service(Revised Pay) Rules, 2009(for short, Rules, 2009) was introduced by the Govt. of Tripura w.e.f. 01.01.2006. Under Rule 13(1)(v) of the Rules, 2009, it was provided that the existing system of granting training incentive to employees in the form of one increment is replaced with lumpsum incentive grant. In the Note to Rule 13(1)(v) it was provided that such system of providing lumpsum incentive grant will take effect from 01.01.2009 for all employees who completed training on or after 01.01.2009. Subsequently, Rules, 2009 was amended vide Notification dated 06.01.2011 providing therein that the employees who completed full training course and appeared in the End Term Examination prior to 05.05.2009 and passed the examination in all subjects in one attempt, shall be exempted from the purview of Rule 13(1)(v) and will be entitled to training incentive in the form of one increment. Thus, by the amendment of Rules, 2009, the petitioners are entitled to one advance increment, which was denied to them. Hence, the present writ petition.

5. Mr. Bhaumik, learned counsel for the petitioners has submitted that the instant writ petition is squarely covered by the judgments and orders of the Single Bench of this Court passed in ***WP(C) No.626 of 2023*** titled as ***Sri Debu Ranjan Sinha & 8 Ors. vs. The State of Tripura & 2 Ors.*** and ***WP(C) No.697 of 2023*** titled as ***Smt. Piyashi Das & 4 Ors. vs. The State of Tripura & 2 Ors.*** It is also submitted that the directions issued in the judgment and order passed by the learned Single Judge in ***Sri Debu Ranjan Sinha(supra)*** has been complied with and has already been implemented by the respondents vide Memo dated 17.11.2023, which may be reproduced hereunder:

**"Government of Tripura
Directorate of School Education
Estt. (Confirmation) Section**

Dated, Agartala, the 17/11/2023

MEMO

Subject:- Allowing of benefit of one advance increment in terms of Rule 13(1)(v) of ROP, 2009 as per Judgement and Order dated 06-10-2023 in connection with the WP(C) No.626/2023.

In compliance with the judgment & order dated 06-10-2023 in connection with the WP(C) No.626/2023 of the Hon'ble High Court of Tripura, all the petitioners would be entitled one advance increment in terms of Rule 13(1)(v) of ROP, 2009 from the respective dates when they were regularised in their service. However, the fixation of pay of the petitioners would be made notionally till the date of filing of these petitions after which they would be entitled to get arrears of salary from the date as mentioned in col. No.5 against each in the Annexure-„A“.

2. The concerned Head of Office and DDOs are requested to forward the same to the present Head of Office and DDO if any transfer has been made during this period.

Signed by Nripendra Chandra Sarma

Date: 17-11-2023 21:10:42

Reason: Approved

(N.C. Sharma)

Director of Secondary Education Tripura"

6. The aforesaid submission of Mr. Bhaumik, learned counsel for the petitioners is acceded to by the Learned GA appearing for the respondents-State, but Learned G.A. has produced a Memo under No. F.3(C-13)-SE-E (Conf)/2023, issued by the Joint Director, Directorate of Secondary Education, Tripura dated 17.01.2024 before this Court, a copy of which was also forwarded to the petitioners herein.

7. I have perused the said Memo wherefrom it is revealed that the respondents have decided to provide one advance increment to the petitioners herein in terms of Rule 13(1)(v) of the ROP, 2009, and the petitioners are requested to submit their representation along with other related documents. For convenience, the Memo is extracted hereunder:

**"F.3(C-13)-SE-E (Conf)/2023
Government of Tripura
Directorate of School Education
Estt (Confirmation) Section**

Dated, Agartala, the/...../2024

MEMO

Sub.: Entitled for benefit of one advance increment in terms of rule 13(1)(v) of ROP, 2009

As per judgment & order dated 31.07.2023 in connection with the Review Pet. No. 21 & 24 of the Hon'ble High Court of Tripura, all the incumbents in WP(C) 795/23 are entitled one advance increment in terms of Rule 13(1)(v) of ROP, 2009.

Hence, all the incumbents are requested to submit representations alongwith other related documents through H/O & DDO for approval of one advance increment in terms of Rule 13(1)(v) of ROP, 2009."

8. In view of the above, the instant writ petition stands allowed with similar direction as passed in *Debu Ranjan Sinha(supra) and Smt. Piyashi Das(supra)*, and the petitioners are directed to submit their representations as sought for in the Memo dated 17.01.2024 and thereafter the respondents are directed to dispose of the representation in the light of the Memo dated 17.01.2024.

Pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR

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SAIKAT KAR
Date: 2024.02.26
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