

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 27 of 2025

Smt. Shilpi Dey and 3 Others.

---Petitioner(s)

Versus

The State of Tripura and 2 Others.

---Respondent(s)

For Petitioner(s)	:	Mr. S. Datta, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr.GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

07.04.2025

Heard learned counsel for the parties.

This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- 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, calling for the records, lying with them, and for quashing/setting aside the impugned memorandum dated 6th July, 2011, issued by the Finance Department, Government of Tripura;
- 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, directing/mandating the respondents to extend the benefit of one increment to all petitioners/teachers who had completed Certificate in Elementary Education (CETE) on or before 06.01.2011, i.e. the date of introduction of the amendment and further direct the respondents to refix the pay of the humble petitioners after release of the said increment;
- ALL FOR THE RECORDS, appertaining to this petition;
- After hearing the parties, be pleased to make the RULE ABSOLUTE in terms of i., ii., &iii. above;
- COSTS of and incidental to this proceeding;
- Any other RELIEF(s) as to this Hon'ble High Court may deem fit and proper;

It is the case of the petitioners that appointment letters were issued in favour of the petitioners as Post Graduate Teachers on 09.10.2007. The humble petitioners were given regular pay scale on 31.08.2012. The petitioners passed Certificate in Elementary Education in the month of June, 2010. Note-2 of Rule 13(1)(v) of the TSCS (Revised Pay) Rules, 2009, introduced vide TSCS 5th Amendment Rules, 2009 was introduced on 06.01.2011 whereby Rule 13(1)(v) of the Tripura State Civil Services (Revised Pay) Rules, 2009, stood amended and a Note 2 was inserted in Rule 13(1)(v)

which provided that 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, a cut-off date was created. The connected writ petition has been filed for a direction to extend the benefit of one increment to all petitioners/teachers who had completed Certificate in Elementary Education (CETE) on or before 06.01.2011, i.e. the date of introduction of the amendment and further direct the respondents to refix the pay of the humble petitioners after release of the said increment, as by retrospective operation a benefit cannot be extended to a class of persons. Hence this writ petition.

It is seen from the record that all the petitioners made their respective representations dated 17.08.2024 to the respondents and that have not been acted upon till date.

In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the representation dated 17.08.2024 in accordance with law within a period of three months from the date of receipt of copy of this order.

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

JUDGE

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