

**HIGH COURT OF TRIPURA
AGARTALA
WA NO.08 OF 2024**

Sri Ramapati Chakraborty.

..... **Appellant(s)**

Versus

The State of Tripura and ors.

.....**Respondent(s)**

For the Appellant(s) : Mr. Somik Deb, Sr. Advocate.
Mr. P.L. Debbarma, Advocate.

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

Date of hearing and delivery of
Judgment & Order : 29.04.2025.

Whether fit for reporting : YES/NO.

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

(T. AMARNATH GOUD,J)

सत्यमेव जयते

This present writ appeal has been filed against the
impugned Order dated 04.10.2024 passed in WP(C) No.394 of 2024
by the learned Single Judge.

2. The case of the petitioner is that since 2006, he has
been working on a contractual basis from year to year. His
employer is the Director of the Education Department SCERT, and

he was appointed on a fixed scale of Rs.4,000/-, which has subsequently been enhanced, along with extensions of his service. Presently, when the litigation started in 2022, his scale was Rs.27,711/-, and that amount has since been enhanced. The nature of the petitioner's work is as a Cameraman. The petitioner compares himself to Sri Kalyan Kishore Saha, a Technical Assistant, and submits before this Court that he is being paid as a computer personnel at Rs.53,800/-, asserting parity and alleging discrimination. Accordingly, he seeks fixation of his salary on par with the Sri Kalyan Kishore Saha.

3. Heard Mr. Somik Deb, learned Senior Counsel, assisted by Mr. P.L. Debbarma, learned counsel appearing for the appellant, as well as Mr. M. Debbarma, learned Addl. G.A. appearing for the respondent-State.

4. Mr. Deb, learned Senior Counsel, draws the attention of this Court to some official documents of the Department which equate the post of the appellant herein with that of Sri Kalyan Kishore Saha, and argues that a similar scale should be granted. He urges that the order passed by the learned Single Judge be interfered with and the writ appeal be allowed.

5. On the other hand, the learned G.A., along with Mr. M. Debbarma, learned Additional G.A., submits before this Court the judgment of the Hon'ble Supreme Court reported in **(2023) 10 SCC 807** titled as ***Mahadeo and Ors. vs. Sovan Devi and Ors.***, observed that *inter-departmental communication during the process of consideration for an appropriate decision cannot be relied upon as a basis to claim any right.*

6. Heard both sides and perused the evidence on record.

7. It is seen from the record that Sri Kalyan Kishore Saha, a Technical Assistant, was appointed by the State Project Director, Samagra Shiksha, Tripura, which is a scheme under the Education Department. Its functioning is altogether different.

8. Mr. Somik Deb, learned Senior Counsel appearing for the appellant, made an attempt to draw the attention of this Court to documents placed on record which are office notes of the concerned Departments. However, only selected pages have been filed, and it is not possible for this Court to take cognizance of the office notes of the concerned Department, though the same were obtained by certified copy under the RTI Act and placed on record.

It is needless to observe that, under the writ of mandamus, the impugned orders and any counter affidavits filed by the concerned respondents in support of their claim need to be considered. However, office notes of the respondent-Department carry no weightage. The same principle is supported by the Judgement of the Hon'ble Supreme Court in ***Mahadeo and Ors. vs. Sovan Devi and Ors(supra)***.

9. Insofar as the pay fixation chart, which is the revised monthly remuneration of 2013, is concerned, it indicates the pay fixation for up to 5 years, 5 to 10 years, 10 to 15 years, and so on. That pertains to employees who are appointed under the State Project Director, Samagra Shiksha, whereas. the petitioner is under the Director of Education of SCERT. As seen from the impugned proceedings under challenge, categorical averments were made on 22.04.2024 by the respondents, submitting that the posts are entirely dissimilar and have different remuneration from the beginning.

10. In view of the same, this Court finds that there is no discrimination. Accordingly, the contentions of the appellant are rejected, and the appeal is dismissed. The impugned order passed

by the Hon'ble Single Judge is also found to be well-reasoned and is not interfered with.

11. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

suhanjit

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SUHANJIT
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