

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 49 of 2025

Sri Tridiv Nath

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Petitioner(s)	:	Mr. Anupam Pal, Advocate.
For Respondent(s)	:	Mr. D. C. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

24.04.2025

Heard learned counsel for the parties.

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

- i. *Issue a 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 passed for transmitting the records, relevant to the subject matter of this writ petition;*
- ii. *Issue a 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/commending the official respondents to step up the pay of the humble petitioner at par with his junior- the respondent No.5, with effect from 01.10.2021, and to make payment of the arrears of salary after making such fixation;*
- iii. *Issue a 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 fix the pay of the humble petitioner with a monthly basic of Rs. 95,200/- with effect from 01.10.2021, i.e. the date of grant of higher pay to respondent no.5 in TES Grade-IV;*
- iv. *Call for the records appertaining to this petition;*
- v. *After hearing the parties be pleased to make the Rule absolute in terms of i., ii., iii. & iv. above;*
- vi. *Costs of and incidental to this proceeding;*
- vii. *Any other relief(s) as to this Hon'ble Court may deem fit and proper;*

[3] It is the case of the petitioner that the petitioner was appointed as Junior Engineer (Electrical Degree holder), Grade-VA, in the Tripura Engineering Service, [TES for short] on 08.09.2003. The petitioner was promoted to Grade-IV of Tripura Engineering Service on 20.06.2012. The private

respondent No.5, was promoted to TES Grade-IV (Electrical), on 30.09.2021, in the pre-revised pay scale of Rs. 15,600-39,100/- in PB- 4 having Grade pay of Rs. 6600/-. The basic pay of the private respondent no.5, who is junior to the petitioner in Grade-IV of TES, stood at Rs. 95,200/-, per month as on 01.10.2021, whereas the basic pay of the petitioner stood at Rs. 92,400/- as on 01.10.2021 of TES. The petitioner submitted a representation to the official respondent on 27.12.2022, praying for stepping up of pay. Being aggrieved by non-grant of the financial benefit of stepping up of pay, the petitioner has approached this Court, by filing this writ petition.

[4] On last occasion (i.e, 23.04.2025), the matter was listed for consideration and none appeared for the petitioner. However, Mr. D. C. Saha, learned counsel appeared for the respondents.

[5] Even today when the matter is called, no representation is made on behalf of the petitioner. However, learned counsel for the respondents is called present.

[6] It is seen from the record that the petitioner has not challenged any impugned proceeding. There is also no discussion with regard to the cause of action compelling the petitioner to move before this court.

[7] In view of the same, it feels to this court that it is a premature case as there is no cause of action against the petitioner and it is not a fit case to be entertained. Therefore, the same is liable to be dismissed as no mandamus can be issued without there being any cause of action.

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

[8] Since the matter pertains to the service of the petitioner, considering the grievances of the petitioner, this court grants liberty to the petitioner to approach before the respondents with statements or representation seeking appropriate relief(s). On receipt of such representation, it is open for the respondents to consider the case of the petitioner in accordance with law as expeditiously as possible.

JUDGE

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