

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 158 of 2025

Shri Partha Das and others

.....Petitioner(s).

Versus

State of Tripura and others

.....Respondent(s)

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate
Mr. Samarjit Bhattacharjee, Advocate
Mr. Kawsik Nath, Advocate
Ms. Aradhita Debbarma, Advocate
Ms. Jayki Murasing, Advocate
Mr. Dipjyoti Paul, Advocate

For the Respondent(s) : Mr. Pradyumna Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharya, G.A.

Date of hearing & delivery
of Judgment & Order : 23/05/2025

Whether fit for reporting : NO

**BEFORE
HON'BLE MR. JUSTICE T. AMARNATH GOUD**

J U D G M E N T & O R D E R (Oral)

Heard learned counsel for the respective parties.

[2] This present petition has been filed under seeking
following reliefs:

"(i) Issue Rule upon the Respondents to show-cause as to why a writ in the nature of Mandamus and/or order/orders and/or

direction/directions of like nature shall not be issued whereby directing the Respondents to allow the benefit of Annual increment, to the Petitioners which fell due on 01.07.2024, in compliance with the option exercised by the Petitioners, in terms of the memorandum, dated, 30.09.2023, issued by the Under Secretary, Finance Department, Government of Tripura.

(ii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to issue corrigendum, by modifying, the Memo, dated, 10.07.2024, issued by the Director of Secondary Education, Tripura, so far fixation of date of next increment to the Petitioners on 01.01.2025 is concerned, considering the fact, that, their date of annual increment fell due to them on 01.07.2024.

iii) Make the rules absolute.

(iv) Call for records....."

[3] During the course of argument, Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioners while drawing the attention to the memorandum dated 10.7.2024 which according to the petitioners is impugned herein depriving their increments, has also placed reliance on the judgment of Hon'ble Apex Court in ***Civil Appeal No.2471 of 2023 @ SLP @ No.6185/2020***; ***April 11, 2023 [The Director (Admn. and HR) KPTCL & Ors. versus C.P. Mundingamani & Ors]*** reported in ***2023 LiveLaw (SC) 296***. He, therefore, urges this Court to allow the present petition.

[4] On the other hand, Mr. P. Gautam, learned Sr. G.A. appearing for the State respondents placing reliance on the paragraph no.6 onwards of the Affidavit-in-opposition dated 17.04.2025 has submitted before this Court that each case of the petitioners was accordingly considered and no prejudice has been caused upon the petitioners in computing and considering their increments.

[5] It is seen from record that though the reliefs sought for in the instant petition are on the common point i.e. with regard to service credentials of the petitioners which differs from person to person, no speaking order has been passed and communicated to the each of them. In view of the same, without expressing any opinion on the merits of the case, the concerned respondents are directed to pass a speaking order and communicate the same to the petitioners individually in the light of the aforementioned judgment passed by the Hon'ble Apex Court and the contentions made in the aforesaid Affidavit-in Opposition dated 17.04.2025 submitted on behalf of the State within a period of one month from the date of receipt of copy of this order. It is made clear that in the event, if the petitioners further aggrieved by the decision of the respondent authorities, they will be at liberty to challenge the same and doctrine of *res judicata* will not apply.

[6] With the above observations and directions, this present petition is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE

Sabyasachi G.

SABYASACHI GHOSH

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