

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.55 of 2025

Sri Animesh Das, IFS,

Son of Sh. Nani Gopal Das, resident of Village Dhaleswar, Road No.17, P.O. Dhaleswar, P.S. East Agartala, Distt. West Tripura, Pin 799007.

..... Appellant(s)

V E R S U S

1. The State of Tripura,

Represented through the Secretary, General Administration (Personnel & Training) Department, New Secretariat Complex, Gurkhabasti, Agartala, P.O Kunjaban, P.S. New Capital Complex, Sub-Division Sadar, District West Tripura. 09436120041 (Cs-Tripura@Nic.In), Pin 799010.

2. The Secretary,

Department of Forests, Government of Tripura, Civil Secretariat, P.O. Secretariat, P.S. New Capital Complex, Distt. West Tripura, Pin 799010.

3. Sri Gautam Das, IFS,

Through the Secretary, Government of Tripura, General Administration (Personnel & Training) Department, New Secretariat Complex, Gurkhabasti, Agartala, P.O Kunjaban, P.S. New Capital Complex, District West Tripura, Pin 799010. 09436123837 (Gautam.Dcf14@Gmail.Com)

..... Respondent(s)

For Appellant(s) : Mr. Dulal Chandra Saha, Advocate.
Dr. Ashwani Bhardwaj, Advocate.

For Respondent(s) : Mr. Dipankar Sarma, Addl. G.A.

Date of hearing &
delivery of Judgment : **1st July, 2025.**

Whether fit for reporting : YES

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

JUDGMENT & ORDER (ORAL)

Heard Dr. Ashwani Bhardwaj, learned counsel for the appellant and Mr. Dipankar Sarma, learned Addl. G.A. for the State-respondents.

[2] Writ petitioner had approached the Writ Court challenging the seniority position of respondent no.4 as per the final seniority list published on

25.11.2005. The final seniority list was published on the basis of tentative seniority list after consideration of objections and representations. The writ petitioner has not even brought the seniority list or the extract of the seniority list on record under which he was allegedly shown junior to the respondent no.4. The respondent no.4 was promoted to the Indian Forest Service on 21.06.2017. The writ petitioner was promoted to the IFS cadre on 07.02.2018. The writ petitioner having come to realize that respondent no.4 was wrongly shown senior to him in the seniority list of 2005 made a representation on 21.07.2019 alleging that his seniority was wrongly fixed since Rule 29 of the Tripura Forest Service Rules, 1988 prescribed that *persons recruited on the result of qualifying written examination in any year shall be ranked inter se in the order of merit in which they are placed according to merit in the result of the final examination of the State Forest Service Course (Diploma Course in Forestry)*. This Rule was amended only w.e.f. 2005 vide Tripura Forest Service (5th Amendment) Rules, 2005 which provided that *persons recruited on the results of the competitive examination in any year shall be ranked inter se in the order of merit in which they are placed at the competitive examination in the result of which they are recruited. Those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of a later examination*. According to the writ petitioner, since he had completed the Diploma course in Forestry in the year 2004 he ought to have been ranked senior to the respondent no.4 as he had scored more marks. The representation of the writ petitioner was rejected on 02.01.2020 whereafter the writ petitioner approached the learned Central Administrative Tribunal in Original Application No.041/0054/2021. Learned Central Administrative Tribunal disposed the

Original Application vide order dated 15.02.2024 holding that it did not have jurisdiction to decide on the issue of seniority of the State Forest Officer. Writ petitioner had by that time been promoted to the Indian Forest Service cadre.

[3] It is also pertinent to mention here that writ petitioner had not challenged the promotion of the respondent no.4 to the Indian Forest Service cadre in the year 2017 which was also based upon his seniority in the State Forest Service as per the seniority list dated 25.11.2005. Thereafter, the writ petitioner approached this Court in WP(C) No.393 of 2024 challenging the rejection of his representation dated 02.01.2020 as well. The writ petition was dismissed by the learned Writ Court, inter alia, holding as under:

*“23. Applying the principle in **B.S. Bajwa** (supra), coupled with the principles laid down in the judgments referred to here-in-above, in **A. Durairaj**, it is clear that the petitioner’s claim to recast seniority list has become stale after long 18 years. The petitioner was aware of the rule from the day he entered into service but never raised any objections and ever, he never expressed in grievance. To say it otherwise, questioning seniority position when he was in service under the Government of Tripura as State cadre three un-opposed seniority lists were published, solidifying the existing order.*

24. To make matters more complex, the petitioner is no longer serving under the State Government and has been inducted into the IFS cadre, which falls under the Indian Forest Service Rules and not under the Rules of 1988 prevalent in the State of Tripura. In the opinion of this Court, the petitioner sleeping over the matter for such long time has lost his right to invoke writ jurisdiction of the Court.

25. Keeping in view of aforesaid analysis on settled position in law, in my opinion, the instant writ petition is badly hit by the doctrine of delay and laches, having been filed after a lapse of more than 18 years without any explanation and that too, after being inducted to IFS cadre in the year 2017.

26. For the reasons recorded and discussed here-in-above, I find no merit in the present writ petition and accordingly, the same is dismissed. However, there shall be no order to costs.”

[4] Apart from dealing with the contention of the petitioner, the Writ Court also took into account the decisions rendered by this Court in **WP(C) No.45 of 2019 (Sri Jash Paul Debbarma vs. State of Tripura and others)**. The learned Writ Court found that in the case of **Jash Paul Debbarma** (supra), the seniority position was not challenged after more than 18 years as is apparent in the case in hand. It also took into account the case of **Ajay Kumar Shukla and others vs. Arvind Rai and others, Civil Appeal No(s).5966 of 2021 (arising out of SLP(Civil) No(s).5435 of 2020)** relied upon by the petitioner. It observed that two of the engineers who were affected by the final seniority list contained in Office Order dated 05.03.2010 had filed the writ petition in 2012 within a period of two to two-and-a-half years of the Office Order dated 05.03.2010 during which time they had been persistently pursuing their representations. The Apex Court therefore held that the Allahabad High Court had committed an error in holding that the claim lodged by the appellants suffered from delay and laches. The learned Writ Court also took into account that the petitioner was no longer an employee of the State-respondents as he had already been inducted in the IFS in the year 2018 on the basis of the final seniority list published in the year 2005 and even selection grade was granted in the year 2013. The learned Writ Court also took into account the decisions rendered in the case of **K.R. Mudgal and others vs. R.P. Singh and others** reported in **AIR 1986 SC 2086**, **Malcom Lawrance Cecil D'Souza vs. Union of India and others [AIR 1975 SC 1269]**, **B.S. Bajwa and another vs. State of Punjab and others [(1988) 2 SCC 523]**, **Dayaram Asanand vs. State of Maharashtra and others [AIR 1984 SC 850]**, **P.S. Sadasivaswamy vs. State of Tamil Nadu [AIR 1974 SC 2271]**, **Union of India vs. A. Durairaj [(2010) 14 SCC 389]**. The

observations made by the Apex Court in the case of **A. Durairaj** (supra) have been quoted in Para 22 of the impugned judgment and are extracted hereunder once again:

“13. It is well settled that anyone who feels aggrieved by non-promotion or non-selection should approach the Court/Tribunal as early as possible. If a person having a justifiable grievance allows the matter to become stale and approaches the Court/Tribunal belatedly, grant of any relief on the basis of such belated application would lead to serious administrative complications to the employer and difficulties to the other employees as it will upset the settled position regarding seniority and promotions which has been granted to others over the years. Further, where a claim is raised beyond a decade or two from the date of cause of action, the employer will be at a great disadvantage to effectively contest or counter the claim, as the officers who dealt with the matter and/or the relevant records relating to the matter may no longer be available. Therefore, even if no period of limitation is prescribed, any belated challenge would be liable to be dismissed on the ground of delay and laches.”

[5] Based on these findings, the writ petition was dismissed having been filed after a lapse of more than 18 years of the publication of the final seniority list without any explanation and that too, after being inducted to IFS cadre in the year 2017. However, the learned Writ Court did not impose any cost.

[6] Dr. Ashwani Bhardwaj, learned counsel for the writ petitioner/appellant has assailed the impugned judgment and also sought re-fixation of the seniority of the writ petitioner above the respondent no.4 as it stood in the seniority list dated 25.11.2005. On being specifically asked, learned counsel for the appellant has submitted that petitioner was not aware of the said list though writ petitioner has sought re-fixation of his seniority as per the seniority list of 25.11.2005. Learned counsel for the appellant has made strenuous arguments to the effect that the fixation of seniority of the writ

petitioner vis-a-vis respondent no.4 is not based upon the existing Rules of 1988 but the amended Rule 29 which was brought into effect in the year 2005 after the writ petitioner and respondent no.4 had passed the Diploma course in Forestry while undergoing the State Forest Service course after probation. He submits that no other officer of the said seniority list is likely to be affected if the seniority position between the writ petitioner and respondent no.4 is corrected. He, therefore, submits that the delay in approaching this Court for correction of the seniority position should not be a ground to reject his application as the illegality committed by the State-respondents while preparing the seniority list would perpetuate. This Court in exercise of its writ jurisdiction may, therefore, remedy the illegality committed against the writ petitioner otherwise he would continue to suffer during his entire course of career. On being asked it is informed that writ petitioner is going to superannuate in the year 2040 whereas respondent no.4 would superannuate in the year 2033. The writ petitioner is presently holding the charge of Deputy Conservator of Forest and posted at the Headquarters. The writ petitioner is present in the Court.

[7] Mr. Dipankar Sarma, learned Addl. G.A. for the State-respondents has strongly objected to the challenge to the seniority list in the year 2005 after 18 years and that too, after both the respondent no.4 and the writ petitioner have been promoted to the Indian Forest Service in the year 2017 and 2018 respectively. It is submitted that the final seniority list was published after inviting objection to the tentative seniority list. Writ petitioner, therefore, cannot claim to be unaware of his position. Writ petitioner has tried to become wiser much after the final seniority list has been published and the vested rights have been created in favour of the respondent no.4 and others. If such a

correction of the seniority list is allowed at such a belated stage, it would be against the settled principles reiterated by the Apex Court time and again. Moreover, writ petitioner is not an employee of the State Government but that of the Union of India. The notification of appointment to the Indian Forest Service of respondent no.4 is also not under challenge. If the prayer of the petitioner is accepted at this stage it would lead to reopening of the appointment of the writ petitioner and respondent no.4 to the Indian Forest Service which has become final. Any challenge to the notification of promotion to the IFS cadre of respondent no.4 would also not lie before this Court as the learned Central Administrative Tribunal has been conferred the original jurisdiction to entertain such claims under Section 14 of the Administrative Tribunals Act, 1985. The learned Writ Court has, therefore, rightly dismissed the writ petition as being badly hit by the doctrine of delay and laches. Therefore, the appeal may be dismissed.

[8] We have heard learned counsel for the appellant and the State and also taken into note the materials which have been referred to from the pleadings on record. We have also perused the impugned judgment and taken note of the decisions referred to and relied upon by the learned Writ Court.

[9] We are in complete agreement with the opinion of the learned Writ Court that the present challenge is grossly barred by delay and laches. Seniority list of the State Forest Service published on 25.11.2005 has become final. It has been the basis for promotion of the writ petitioner also to the TFS Grade-I in 2013 and thereafter, appointment to the Indian Forest Service by promotion in the year 2018. Respondent no.4 has also been promoted to the TFS Grade-I on

the basis of the same seniority list and thereafter to the Indian Forest Service in the year 2017. The appointment of the respondent no.4 to the Indian Forest Service is not under challenge. Writ petitioner by way of such challenge to the fixation of his seniority vis-a-vis respondent no.4 as per seniority list of 2005 in effect sought to question the service benefits granted to respondent No.4 including promotion to the TFS Grade-I and to the Indian Forest Service. The Writ petition has been filed in the year 2024. It is trite to say that the Apex Court has time and again reiterated that such belated challenge to seniority and promotions granted to others over the years beyond a decade or two from the date of cause of action would entail great disadvantage to such officers in whose favour vested rights have been created. The aggrieved person must approach the Court expeditiously for relief. The jurisdiction of the Writ Court under Article 226 of the Constitution of India is not to be exercised in favour of such litigants who sleep and snore over their rights or are fence sitters. We, therefore, do not find any error in the impugned judgment whereby the learned Writ Court has held that the writ petition is badly hit by the doctrine of delay and laches, having been filed after a lapse of more than 18 years and that too, after being inducted to the IFS cadre in the year 2017. The writ petitioner cannot be allowed to agitate that he was unaware of the final seniority list of 2005 under which he himself has been the beneficiary of subsequent promotions to TFS Grade-I and the IFS Cadre.

[10] Such belated challenges and litigations do unnecessarily consume the precious time of the Court which can be utilized for more worthy causes.

The writ appeal is accordingly dismissed with a cost of Rs.2,500/- (Rupees Two thousand Five Hundred only) to be deposited in the Tripura State Legal Services Authority within a period of 4(four) weeks.

Pending application(s), if any, shall stand disposed of.

(S. DATTA PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

Rudradeep

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