

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 232 of 2025

Shri Dilip Kr. Debbarma

---Petitioner(s)

Versus

The State of Tripura and 6 Ors.

---Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. Jayki Murasing, Advocate.
For Respondent(s)	:	Mr. H. Sarkar, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

15.05.2025

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 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 fix the pay of the Petitioner, at par with his junior, namely Sri Narayan Chandra Debnath, by way of stepping up of pay as per TSCS (RP) Rules, 2009, with effect from the date, the relevant pay anomaly arose, along with all consequential benefits in connection therewith, including arrear with 9% interest.*
- II. *Make the rules absolute.*
- III. *Call for records.*
- IV. *Pass any further Order/Orders as this Hon'ble High Court considered fit and proper.*

[3] It is the case of the petitioner that he has prayed for necessary directions from the this Court upon the respondents to fix the pay of the petitioner, at par with his junior, namely Sri Narayan Chandra Debnath, by way of stepping up of pay as per TSCS (RP) Rules, 2009, with effect from the date, the relevant pay anomaly arose, along with all consequential benefits in connection therewith, including arrear with 9% interest.

[4] It is contended that the petitioner that the petitioner has been rendered arbitrary, discriminatory and unreasonable action by the respondents.

The respondents have infringed upon the legal and constitutional rights of the petitioner. The respondents were sitting idle over the matter in derogation of the petitioner's entitlement of stepping up benefit. Despite being entitled to the benefit of stepping up of pay, the respondents most arbitrarily denied the petitioner from the stepping-up benefit, whereas his juniors are receiving higher pay than him. This disparity has caused the petitioner a significant distress and mental anguish.

[5] It is further contended that it is well recognized and settled position of Service Jurisprudence, that, a senior employee cannot draw a lesser pay than his junior, and in the event, such an anomaly arises, the pay of the senior has to be stepped up, at par with the junior so far pay is concerned. This principle is commonly known as stepping up of pay. The said principle has also been mandated, by the relevant ROP Rules, as issued from time to time. Since these rules serve as beneficial legislation, their purpose, and intent would be undermined if the Petitioner is not granted the stepping-up benefit to which he is entitled.

[6] It is seen from the record that a representation dated 29.01.2025 was made to the respondents by the petitioner herein but it is also apparent from the record that no action has yet been taken on the said representation compelling the petitioner to approach before this court for seeking relief.

[7] In view of above 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 29.01.2025 in accordance with law within a period of three months from the date of receipt of copy of this order.

[8] 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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