

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.358 OF 2024**

Dr. Tarun Kanti Ghosh Age-64 years, S/o Late Hari Mohan Ghosh, Resident of 79- Tilla, Saratpally P.O- Kunjaban, P.S- New Capital Complex Dist-West Tripura, PIN-799006

.... Petitioner(s).

VERSUS

1) The State of Tripura, through the Secretary, Government of Tripura, Health and Family Welfare Department, Civil Secretariat, P.O- Agartala Secretariat, Pin-799010, Dist- West Tripura.

2) The Under Secretary, Health and Family Welfare department Civil Secretariate, P.O-Agartala Secretariat, PIN-799010, Dist-West Tripura.

3) The Director of Medical Education, Health and Family Welfare Department 2nd floor of Lalpath Lab, Bidhurkarta Chowmuhani, P.O- Agartala, P.S-West Agartala, PIN-799001.

.....Respondent(s).

For the Petitioner(s)	: Mr. Suman Bhattacharjee, Advocate. Mr. P. Shil, Advocate.
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For the Respondent(s)	: Mr. Kohinoor N. Bhattacharyya, G.A. Mr. M. Debbarma, Addl. G.A.
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Date of hearing and delivery of Judgment & Order	: 06.11.2025.
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Whether fit for reporting	: YES/NO.
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**HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

1. Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner, as well as Mr. Kohinoor N. Bhattacharyya, learned G.A., appearing for the State-respondents.

2. The brief facts of the case are that in the year 1997, the petitioner joined the Regional Pharmacy Institute, Agartala, as Assistant Professor when it was a diploma-level institution. In the year 1998, it was upgraded to a degree-level institute, and following that upgradation, the designation of the petitioner was changed to Lecturer (Senior Grade) in the pay scale of Rs.37,400–67,000/- with AGP of Rs.9,000/-. As per Clause XIII of the Notification dated 01.03.2013 (Annexure-2), a Senior Lecturer completing three years of service and possessing a Ph.D. degree shall be placed in the pay band of Rs.37,400–67,000/- with AGP of Rs.10,000/-. The petitioner successfully worked in the post of Lecturer (Senior Grade) and completed three years of service on 31.12.2016. Therefore, as per the said Notification dated 01.03.2013 (Annexure-3), the petitioner became entitled to AGP of Rs.10,000/- in the aforesaid scale of pay meant for the post of HoD/Professor. The petitioner submitted a representation in this regard, but there was no response. Consequently, he filed W.P.(C) No.526 of 2023, which was disposed of by an order dated 23.08.2023 with a direction upon the respondents to consider the petitioner's representation within a period of three months. However, the respondents did not comply with the said direction within the stipulated time. Ultimately, the petitioner served a contempt notice dated 06.02.2024 (Annexure-12), and upon receipt of the same, respondent No.3, by order dated 02.03.2024 (Annexure-14), informed the petitioner that his representation had been rejected.

3. In his representation, the petitioner cited examples of four persons who were working as Assistant Professors but were given the benefit of AGP Rs.10,000/- by designating them as Professors, even though they had not served as Associate Professors. However, the respondents, came to the conclusion that those teachers were working at the degree level, whereas the petitioner belonged to the diploma level. Being aggrieved by the said rejection order, the petitioner has filed this writ petition seeking the following reliefs:–

“a) Admit the Petition

AND

b) Issue Rule NISI upon the respondents to show cause as to why the petitioner shall not be given the benefit of AGP Rs.10,000/- with effect from 01.01.2017 on completion of 3 years of service in the scale of pay of Rs.37400-67000 with AGP of Rs.9000/-in the post of Lecturer (Selection Grade) with effect from 01.01.2014.
AND

c) As to why the petitioner shall not be given the benefit of the post of HoD/Professor on completion of 3 years of service in the post of lecturer (Selection Grade) with effect from 01.01.2014 for extending the benefit of AGP 10,000/- with effect from 01.01.2017 as has been extended to the petitioners in W.P (C) 916 of 2021 & 917 of 2021 and two others namely Nilnanka and Sabita Pal (Datta).
AND

d) As to why a Writ of Certiorari shall not be issued canceling/quashing the order dated 02.03.2024 by which the representations of the petitioner has been rejected by the respondents (Annex-14)

e) As to why a Writ of mandamus shall not be issued commanding the respondents to give the benefit of AGP Rs.10,000/- to the petitioners with arrears and interest with effect 01.01.2017 till the date of payment.
AND

f) Issue Writ(s) in the light of the prayers made above and make the Rule absolute,
AND

g) Any other order or orders as this Hon'ble Court deems fit and proper under the facts and circumstances of the case may kindly be passed."

4. Mr. Bhattacharjee, learned counsel appearing for the petitioner, contended that a Senior Lecturer possessing a Ph.D. degree and having completed three years of service is entitled to be placed in the pay band of Rs.37,400–67,000/- with AGP of Rs.10,000/-, equivalent to the post of Professor/HoD. The petitioner, having completed three years of service as Lecturer (Senior Grade) on 31.12.2016, was thus entitled to such financial upgradation with effect from 01.01.2017. However, the respondents arbitrarily rejected his claim by misinterpreting that the benefit was applicable only to degree-level teachers, even though the petitioner had claimed it under the diploma-level provision. It was further argued that similarly placed persons were granted the same benefit, and that the impugned order dated 02.03.2024 was passed mechanically, in disregard of this Court's earlier direction in

W.P.(C) No.526 of 2023, thereby causing discrimination and denial of legitimate service benefits that had accrued before the petitioner's retirement on 31.01.2020.

5. On the other hand, learned G.A. submitted that the petition suffers from non-joinder of a necessary party, as the petitioner was employed in the Regional Institute of Pharmaceutical Science & Technology (in short, "RIPSAT"), but the said institute was not impleaded as a party to this petition. As such, learned G.A. urged this Court to dismiss the petition.

6. Heard and perused the materials on record.

7. After considering the submissions advanced by the learned counsel for both sides and upon perusal of the materials available on record, this Court is of the opinion that the benefit of AGP Rs.10,000/-, as claimed by the petitioner, is admissible only to those holding the post of Professor or Head of Department. Since the petitioner admittedly did not hold the said post during his service tenure, he cannot claim the financial benefit attached thereto. Mere completion of the qualifying service period does not by itself confer entitlement to the higher AGP without holding the corresponding post as per the applicable rules. The petitioner also cannot seek parity with other employees working in different institutions or cadres, as pay fixation and upgradation depend upon specific service conditions and designations and as per clause X of the Rules referred, the petitioner has been under AGP Rs.9,000/-. But a claim made by petitioner referring to Clause XII and so as, they are not applicable to the petitioner. He is entitled only to the benefits legitimately due to him under the relevant rules. Accordingly, this Court finds that the rejection order dated 02.03.2024 suffers from no infirmity warranting interference.

8. In view of the above discussion, this Court finds no merit in the present writ petition, and the same stands dismissed. As a sequel, the interim order, if any, stands vacated. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

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