

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 315 of 2025

Sri Haradhan Shil

.....Petitioner(s)

Versus

State of Tripura and others

.....Respondent(s)

For Petitioner (s) : Mr. Somik Deb, Sr. Advocate
Mr. Abir Baran, Advocate
Mr. Panna Lal Debbarma, Advocate

For Respondent(s) : Mr. Kohinoor N. Bhattacharya, G.A.
Mr. M. Debbarma, Addl.G.A.
Mr. Debalay Bhattacharya, Sr. Advocate

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Final Order

20.06.2025

Heard learned counsel appearing for the parties.

[2] The present writ petition is filed under Article 226 of the Constitution of India seeking mainly the following reliefs:

"i) Issue 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 issued, for directing them, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the proceeding initiated for downgrading the Grade Pay of the petitioner;

ii) Issue 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, for mandating/directing them, to drop the proceedings that has been initiated, regarding the stepping up of Grade Pay of the petitioner;

iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, for prohibiting/restraining them, from acting in any manner, in urtherance of the proceedings that has been initiated, regarding the stepping up of Grade Pay of the petitioner;

iv) Call for the records appertaining to this petition....."

[3] The case of the petitioner in brief is that he was appointed as a Group-D Staff on 03.11.1980, thereafter he was promoted to the post of Lower Division Clerk on 10.09.1987. After his retirement, he had applied for the service Book and the same has been furnished to him. It is contended that on the service book, it is observed that there is an excess amount which has been paid to the petitioner by the respondents. According to the petitioner, the excess amount if any, that has been paid to him, was not because of any misrepresentation or fraud on his part and he also had no knowledge that the amount which was being paid to him was more than what he was entitled to. It is also contended that the excess payment made because of negligence and carelessness of the officials concerned of the State Government and hence, there would be no recovery of the amount that has already been paid in excess to the petitioner.

[4] It is seen from record that several inter-departmental communications were made and the case of the petitioner is pending for adjudication with the respondents.

[5] Mr. Somik Deb, learned senior counsel appearing alongwith Mr. Abir Baran, learned counsel for the petitioner at this stage, request this Court that if allowed, the petitioner would undertake a representation along with all other necessary documents before the concerned respondents No.2 & 3 to consider his case in accordance with law.

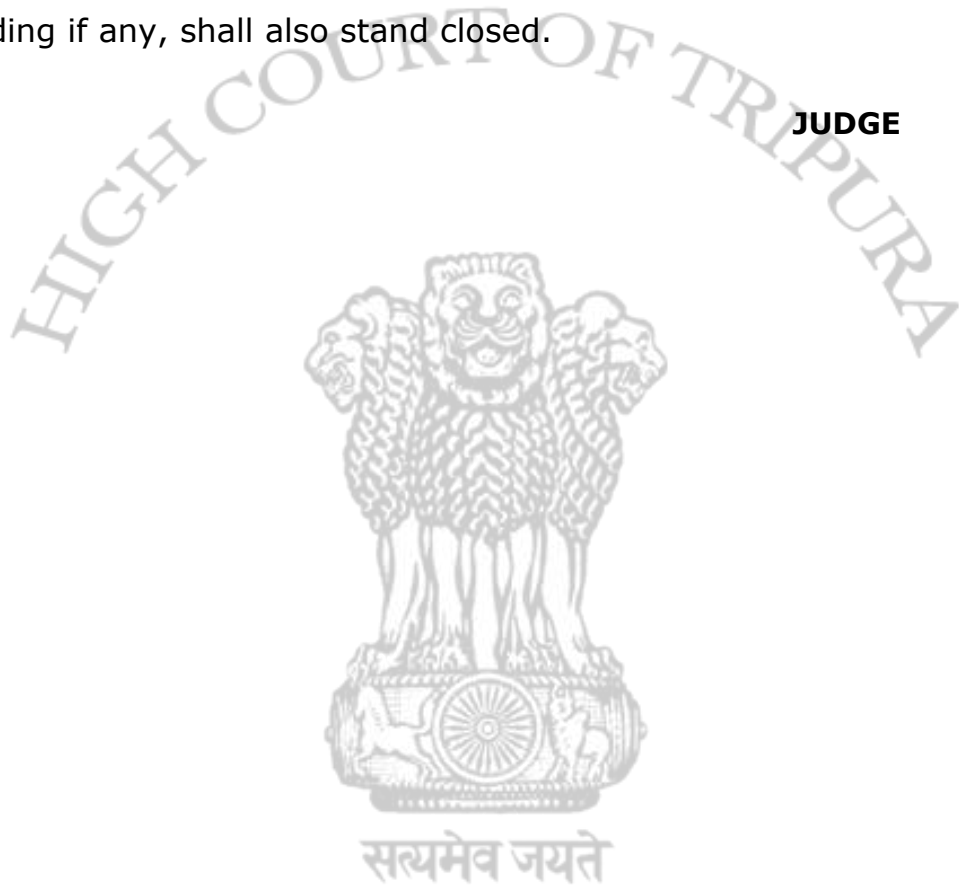
[6] Considered the request made on behalf of the petitioner.

[7] In view of the above, without going into the merits of the case, the present petition is disposed of with the direction that the

petitioner would submit a detailed representation to the concerned respondents No.2 & 3 alongwith all necessary documents. Upon receipt of such representation, the respondents concerned shall decide the matter in accordance with law within a period of two months from the date of such receipt.

With the above observation and directions, the present writ petition is hereby disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

JUDGE



Sabyasachi G.

**SABYASACHI
GHOSH**

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