

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.78 of 2025

1. The State of Tripura, represented by the Secretary & Commissioner to the Government of Tripura, Department of Finance, having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO-Kunjaban, PS-New Capital Complex, Sub-Division-Sadar, District-West Tripura.
2. The Commissioner & Secretary, Department of Home, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO-Kunjaban, PS-New Capital Complex, Sub-Division-Sadar, District-West Tripura.
3. The Director General of Police, Government of Tripura, having his office at Police Headquarters, PO-Agartala, PS-West Agartala, Sub-Division-Agartala, West Tripura.
4. The Superintendent of Police (Radio), Govt. of Tripura, Tripura, Agartala.
5. The Superintendent of Police, Govt. of Tripura, North Tripura, Dharmanagar.

.....Appellant(s);

Versus

Sri Biplab Kanti Sukla Baidya, S/o-Late Jogendra Chandra Sukla Baidya, Resident of Sarat Palli, Dharmanagar, P.O. & P.S.-Dharmanagar, Dist.- North Tripura, Pin-799250.

.....Respondent(s);

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

For Respondent(s) : Mrs. Sujata Deb (Gupta), Advocate,
Mr. Ramprasad Gope, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

ORDER

31/10/2025

This writ appeal is preferred by the appellants challenging the judgment of the learned Single Judge dt.18.03.2025 in WP(C) No.257 of 2024.

2. The respondent in the Writ Petition had entered into the service (under the appellants) as a Constable in the year 1987.

3. The Tripura State Civil Services (Revised Pay) Rules, 1999 (for short, ROP Rules, 1999) were enacted, providing for grant of higher pay scale to an employee who does not get promotion due to stagnation by way of giving the benefit of Career Advancement Scheme (for short, CAS).

4. Rule 10(a) & (b) of the ROP Rules, 1999 states as under:

“(a) The employees entering by direct recruitment in scale no. 1 as per statement at Annexure - A or corresponding scale earlier will have 3 scale advancement at the end of 10, 7 and 7 years of continuous and satisfactory service in the scale 1,2 & 3 to the scale 2, 3 and 4 respectively unless they get promoted to a post of higher scale before the period at each stage.

(b) The employees entering by direct recruitment in the existing scales no. 4 to 10 or revised scale no. 5 to 11 or corresponding earlier scale will have 2 scale advancement in next higher scales as per table in Annexure 'A' at the end of 10 and 7 years of continuous & satisfactory service in the entry scale and higher scale of promotion/gradation or advancement respectively, as the case may be, to the higher scales unless they get promoted to higher scale before the prescribed period at each stage.”

5. Thus CAS-I will be provided after completion of 10(ten) years of service, if no promotion was given to an employee.

6. CAS-II will be provided after next 7(seven) years and CAS-III will be provided after completion of another 7(seven) years.

7. In the instant case, the respondent was working in the Radio Organization of the Police Force and did not get any promotion by 1997 when he completed 10(ten) years of service. But he was not given the benefit of CAS-I under which he would get the same pay scale as that of the promotional pay scale of Head Constable which was Rs.3300-7100/-.

8. Thereafter, in 2001, the respondent was promoted to the post of ASI in the pay scale of Rs.4000-7890/- which has to be treated as the second consumption of CAS.

9. In January 2006, in replacement of existing CAS, the State introduced the Tripura State Civil Services (Revised Pay) Rules, 1999 amendment, pursuant to which on completion of 25 years in service without the next promotion, ACP-III was to be given to an employee.

10. The respondent completed 25 years of service on 22.11.2012 without the next promotion and he retired.

11. The learned Single Judge, therefore, rightly held that the respondent is entitled notionally to the benefit of CAS-I on completion of 10 years and ACP-III in the pay scale of Rs.4200-8650/- corresponding pay scale of Rs.5700-24000/- with GP of Rs.2800/- *with effect from 21.11.2012*. The learned Single Judge directed the appellants to re-fix the pension of the respondent in terms of the above directions and directed completion of the entire exercise within a period of 6(six) months.

12. Counsel for the appellants contended that the respondent had been appointed as a constable on 22.11.1987 and was given a pay scale of Rs.3200-6030/- *with effect from 01.11.1996*. But why the benefit of Rule 10 on completion of 10(ten) years of service, when he was entitled to CAS-I in the higher scale of Head Constable, is to be denied to him is not explained by the appellants. The appellants cannot ignore Rule 10 of the ROP Rules, 1999, framed by them, and deny the said benefit of ACP-I of CAS-I in the pay scale of Rs.3300-7100/- to the respondent.

13. The appellants admit that the respondent was promoted to the rank of Wireless Operator (ASI) on 16.11.2001 in the scale of pay of Rs.4000-7890/-, and also do not deny that no other promotion was granted to the respondent by 22.11.2012 when he completed 25 years of service. No valid reason is assigned why, as per the January 2006 amendment, the respondent cannot be given the benefit of ACP-III. The learned Single Judge, in our considered opinion, has rightly granted relief to the respondent and allowed the said benefits on notional basis.

14. Therefore, we do not find any merit in the instant appeal. Accordingly, the instant appeal is dismissed. Pending application(s), if any, shall stand disposed of.

(S. DATTA PURKAYASTHA, J) (M.S. RAMACHANDRA RAO, CJ)

