

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.551 of 2024

Sri Manik Debnath

S/O- Late Kalachand Debnath, R/O-Post Office Road, P.O+P.S-
Dharmanagar, Dist:- North Tripura, Pin-799250, Age- 50 years.

...Petitioner(s)

VERSUS

1. The State of Tripura, Represented by its Principal Secretary, School Education Department, Government Of Tripura, P.O -Secretariat, P.S New Capital Complex, District -West Tripura, Pin:-799010

2. The Director Of Secondary Education, Directorate Of Secondary Education, School Education Department, Government Of Tripura, P.O- Agartala, P.S- West Agartala, District-West Tripura, Pin-799001.

3. The Principal Secretary, Finance Department, Government Of Tripura, New Secretariat Complex, P.O-Secretariat, P.S-New Capital Complex, District-West Tripura, Pin-799010.

...Respondent(s)

For the Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, GA Mr. H. Sarkar, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

20/01/2025

By means of filing the present writ petition, the petitioner has prayed for following reliefs:

“(i) Issue notice upon the Respondents.

(ii) Call for the Records.

(iii) Issue rule calling upon the respondents to show cause as to why the Petitioners shall not be granted the benefit of one increment under Note-2 of Rule 13(1)(v) of the TSCS(RP) Rules, 2009 along with all arrears of financial benefit.

AND

Issue Rule calling upon the Respondents to show cause as to why the memorandum dated 6th July, 2011 issued by the Finance Department, Government of Tripura shall not be set aside and quashed.

AND

Issue Rule calling upon the Respondents to show cause as to why the Memorandum dated 16.10.2007 issued by the Finance Department, Govt. of Tripura shall not be set aside and quashed.

(iv) And after hearing the parties, be pleased to make the rule absolute.”

2. Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

3. Briefly stated, the petitioner was appointed to the post of Post Graduate Teacher on fixed pay basis vide memorandum dated 17.07.2007. Thereafter, he was to remain on fixed pay for a period of 5(five) years after joining to his service. On completion of 5(five) years on fixed pay, the petitioner was given the benefit of regular pay scale. Thereafter, the petitioner of the instant writ petition was selected for undergoing training for Certificate course in Elementary Education(CETE) for a period of 6(six) months. Upon completion of 6(six) months training, the End Term Examination was held in the month of December, 2008 and the result was published on 15.04.2009 and all the petitioner had successfully passed the End Term Examination in one attempt.

4. It is highlighted in the writ petition by the petitioner that vide notification dated 05.05.2009, Tripura State Civil Service(Revised Pay) Rules, 2009(for short, Rules, 2009) was introduced by the Govt. of Tripura w.e.f. 01.01.2006. Under Rule 13(1)(v) of the Rules, 2009 it was provided that the existing system of granting training incentive to employees in the form of one increment is replaced with lumpsum incentive grant. In the Note to Rule 13(1)(v) it was provided that such system of providing lumpsum incentive grant will take effect from 01.01.2009 for all employees who completed training on or after 01.01.2009. Subsequently, Rules, 2009 was amended vide Notification dated 06.01.2011 providing therein that the employees who completed full training course and appeared in the End Term Examination prior to 05.05.2009 and passed the examination in all subjects in one attempt, shall be exempted from the purview of Rule 13(1)(v) and will be entitled to training incentive in the form of one increment. Thus, by the amendment of Rules, 2009, the petitioner is entitled to one advance increment, which was denied to him. Hence, the present writ petition.

5. Mr. Bhaumik, learned counsel for the petitioner has submitted that the instant writ petition is squarely covered by the judgments and orders of the Single Bench of this Court passed in ***WP(C) No.187 of 2024*** titled as ***Smt. Sumana Debbarma & 5 Ors. vs. The State of Tripura & 2 Ors.***

6. I have noticed that the respondents-State at para 5 and 6 of their counter affidavit have admitted that the petitioners are entitled to one increment. The relevant portion of averments made in para 5 and 7 of the counter affidavit may be reproduced here-in-below:

“5. That, with respect to paragraphs-1 of the writ petition, it is humbly submitted that on scrutiny of all documents annexed in file of Smt. Manik Debnath, PGT, it appears that the petitioner had been appointed as PGT on 01.08.2007, he appeared at the end of term examination, 2008 and successfully completed T.Ed/CETE certificate course on 15-04-2009. Hence, he is eligible for one advance increment in terms of provision 13(i)(v) of ROP, 2009.

Details of all the petitioner as follows:

SL. No.	Name and present place of posting of the petitioners	Date of Joining in service	Date of publication of training
1	2	3	4
1.	Smt. Manik Debnath, PGT	01/08/2007	15/04/2009

7. That, with respect to paragraphs-7 to 18 of the writ petition, it is humbly submitted that as the petitioner appeared in the end term examination in the month of December, 2008 and he passed the end term examination in one attempt, hence, he is eligible for one advance increment in terms of provision 13(1)(v) of ROP,2009 as per Judgement and order dated 31-07-2023 in Review Pet. 21 & 24/2023 in terms of provision 13(1)(V) of ROP,2009.

7. In the light of clear admission made by the respondents-State as mentioned at para 5 and 7 of their counter affidavit, the instant writ petition is allowed with a direction to the respondents-State to extend the benefit of one increment to the petitioner within a period of 3(three) months from today. The said benefit may be fixed notionally for the purpose of pension and the arrears may be granted to the petitioner from the date of filing of the instant writ petition. The Service Book of the petitioner may be corrected accordingly.

Accordingly, the instant writ petition stands disposed.

Pending application(s), if any, also stands disposed.

JUDGE