

HIGH COURT OF TRIPURA
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IA No.01 of 2024 IN Review Pet No.34 of 2024

Sri Sanjoy Kanti Chanda alias Sanjoy Chanda and others
..... Applicant(s)
V E R S U S
The State of Tripura and others
..... Respondent(s)

For Applicant(s) : Mrs. R. Purkayastha, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

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04/03/2025

Heard Mrs. R. Purkayastha, learned counsel for the applicant-petitioners and Mr. Mangal Debbarma, learned Additional Government Advocate on the prayer for condonation of delay of 141 days in preferring the instant review petition.

Learned counsel for the applicant-petitioners submits that petitioners are casual workers and ignorant persons. Therefore, the delay has occasioned in preferring the instant review petition though it is not intentional. Therefore, it may be condoned.

Learned counsel for the State objects to the prayer.

However, on consideration of the explanation urged and upon hearing learned counsel for the parties, delay is condoned

The instant interlocutory application (IA No.01 of 2024) stands disposed of.

Review Pet No.34 of 2024

Heard Mrs. R. Purkayastha, learned counsel for the applicant-petitioners and Mr. Mangal Debbarma, learned Additional Government Advocate on the main review petition.

Learned counsel for the petitioners has pointed out from the impugned order that this Court in appeal vide judgment dated 19.03.2024 interfered only with the direction of the learned Writ Court so far as it directed the respondents to consider the regularization of service of the petitioners as Group-D employees within a stipulated period subject to availability of vacancy in the regular sanctioned posts. The learned Writ Court had also directed the respondents to consider grant of pay scale at minimum pay of the basic scale of pay at the lowest level prescribed for such post in accordance with law. It is submitted that a bare reading of the operative portion of the impugned order would show that the said direction has neither been pressed nor interfered by this Court in appeal. It is true that the writ petitioners/respondents could not enter appearance at the appellate stage despite service of notice. However, they are casual workers and serving for considerable period. Therefore, even if the plea of regularization is not granted because of repeal of the scheme for regularization, the directions of the learned Writ Court to consider grant of pay scale at minimum pay of the basic scale of pay may be allowed to stand. Since the impugned judgment has not referred to the instant directions of the learned Writ Court while allowing the appeal, therefore, the writ petitioners have

preferred the present review petition. It is submitted that appropriate directions may be issued in the light of the aforesaid circumstances for the respondents to consider their claim for grant of pay scale at minimum pay of the basic scale of pay in accordance with law.

Learned counsel for the respondents-State has objected to the prayer. However, he is not able to controvert that when the appeal was being argued the later part of the directions of the learned Writ Court were not pressed. The impugned order does not make any discussion so far as the directions to consider grant of pay scale at minimum pay of the basic scale of pay to the petitioner is concerned.

On consideration of the submissions of learned counsel for the review petitioners and the State, it appeals to us that the attention of the Appellate Court was not drawn to the alternative directions issued by the learned Writ Court for consideration of grant of pay scale at minimum pay of the basic scale of pay though the appeal was allowed. In that sense, the impugned judgment suffers from an error apparent on the face of record which deserves to be corrected in review jurisdiction. Accordingly, we are of the considered view that the directions of the learned Writ Court so far as consideration of grant of pay scale at minimum pay of the basic scale of pay is concerned since not explicitly interfered by the Appellate Court be complied by the State-respondents. Petitioners are at liberty to make a representation for consideration of their claim for grant of pay scale at minimum pay of the basic scale of pay which be disposed of by a speaking

order within a period of 3(three) months from the date of receipt of copy of this order.

The review petition stands disposed of.

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

(S.D. PURKAYASTHA) J

(APARESH KUMAR SINGH) CJ

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