

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.654 of 2024

Sri Mithun Das

----- Petitioner(s)

Versus

The State of Tripura & Ors.

-----Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Adv, Mr. Pannalal Debbarma, Adv.
For Respondent(s)	:	Mr. Dipankar Sarma, Addl. G.A.

HON'BLE MR. JUSTICE BISWAJIT PALIT
Order

16/06/2025

Learned Senior Counsel Mr. Somik Deb assisted by Learned Counsel Mr. Pannalal Debbarma has appeared on behalf of the petitioner.

Learned Addl. G.A. Mr. Dipankar Sarma has appeared on behalf of the State-respondents.

At the time of hearing Learned Senior Counsel Mr. Somik Deb referring para No.12 of the counter affidavit submitted by the State-respondents drawn the attention of the Court that a timeline may be given to the State-respondents to settle the subject matter in dispute in respect of the present petitioner. For the sake of convenience, the relevant portion of para No.12 is narrated herein below:

"12. That, with respect to paragraph-3 of the writ petition, it is humbly submitted that in partial modification of earlier Memorandum No.F.10(2)FIN(G)/05/Part-I dated 16th October 2007 for regularization of services of Government employees the Finance Department vide Memo No.F.10(2)-FIN(G)/2005(P-1)/47 dated 17th December, 2024 has taken a policy decision for allowing the past service benefits to the teachers wherein it has laid down-

"Subject: Providing regular pay scale to employees recruited on fixed pay basis in different posts in same/different departments by keeping regular pay scale post in abeyance.

As per the existing policy vide Finance Department's Memorandum No.F.10(2)-FIN(G)/05/Part-1 dated 16th October, 2007, employees who are recruited on fixed pay basis against fixed pay posts created by keeping abeyance regular scale posts and continues to serve for 5 years on fixed pay in the same post without any break in service are allowed for regular pay scale.

2. In partial modification of Finance Department's Memorandum No.F.10(2)-FIN(G)/05/Part-I dated 16th October, 2007, the Government of Tripura has taken a policy decision for considering the benefit of regular pay scale to the employees who have served the State Government for cumulative period of 5(five) years as fixed pay posts created on fixed pay basis by keeping regular pay scale post in abeyance in different posts in same or different departments.

3. The above instruction is subject to fulfilment of the following conditions:

i) Employees who have been recruited in all the posts against the fixed pay posts created on fixed pay basis by keeping abeyance the regular scale posts.

ii) Employees should have obtained 'No Objection Certificate' from concerned department before appearing for the Selection Test for all the subsequent post(s) after first job.

iii) Employees who have joined the present posts without any break in service between two subsequent posts.

4. All Departments are requested to take action immediately for implementation of the same, with the prior concurrence from Finance Department against each of such case"

Accordingly, by letter No.F.1(1-34)-SE-E(NG)/2024 dated 18.12.2024 the Directorate of Secondary Education requested all the Head of Offices and DDOs to submit the particulars of the employees concerned to the Directorate of Secondary Education for transmission of the same to the Finance Department for examination and concurrence for consideration of the employee concerned. Now, the Department will refer the matter to the Finance Department for obtaining approval and concurrence. After receiving the approval of the Finance Department the benefit of the petitioner will be considered.

Hence, the Hon'ble High Court may dismiss the Writ Petition."

On the other hand, Learned Addl. G.A. Mr. Dipankar Sarma submitted that the Director of Secondary Education, Tripura vide Memo No.F.1(1-34)-SE-E(NG)/2024-Part94) dated 20.05.2025 has already implemented the issue of the present petitioner and prayed for disposal of the present petition.

I have seen the aforesaid memo dated 20.05.2025 issued by Director of Secondary Education, Government of Tripura wherein in serial No.12 of the list enclosed, the name of the present petitioner has been reflected.

At this stage, Learned Senior Counsel submitted that since the matter in dispute has been complied with/implemented by the department, so the case may be disposed of.

Considered.

In view of the above, the present writ petition stands disposed of since the issue of the petitioner has been resolved by the respective department of the State Government.

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

JUDGE