

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.121 of 2024

Shri Radheshyam Debnath, S/o Late Gourango Debnath, Vill-Badharghat, Sripalli, Near Ramthakur College, Ward No.45, PO & PS- A.D. Nagar, Agartala, District-West Tripura, Pin-799003.

..... Appellant(s)

V E R S U S

1. The State of Tripura, (to be represented by its Secretary), Public Works Department (R&B), Civil Secretariat, PO & PS – NCC, Agartala, West Tripura, Pin-799010.
2. The Engineer-in-Chief, PWD (R&B), Government of Tripura, New Secretariat Building, PO & PS – NCC, Agartala, West Tripura, Pin-799010.
3. The Executive Engineer, PWD (R&B), Sonamura Division, Sonamura, District- Sepahijala, Tripura, Pin-799131.
4. The Accountant General (A&E), Tripura, Agartala, West Tripura, Pin-799006.

..... Respondent(s)

For Appellant(s) : Mr. Prasanta Kr. Pal, Sr. Advocate,
Mr. Saugat Datta, Advocate,
Ms. Madhurima Chanda, Advocate.

For Respondent(s) : Mr. D. Sarma, Addl. G.A.,
Mr. N. Majumder, Advocate.

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

18/02/2025

Heard Mr. Prasanta Kr. Pal, learned senior counsel assisted by Mr. Saugat Datta, learned counsel for the petitioner. Also heard Mr. D. Sarma, learned Additional Government Advocate for the respondents-State and Mr. N. Majumder, learned counsel for the Accountant General, Tripura.

Writ petitioner twice moved in writ petition for the same grievance to fix the CAS/ACP benefits in the correct scale of pay from the due date upon completion of 17 years and 25 years of service in line with the decision rendered by this Court in the case of *Tapas Majumder & others Vs.*

the State of Tripura & others passed in *WP(C) No.191 of 2020* dated 03.05.2021. The first petition [WP(C) No.392 of 2023] preferred by the writ petitioner was disposed of vide order dated 03.07.2023 with a direction to the respondents to consider the case of the petitioner in the light of the demand notice dated 20.04.2023 in accordance with law within a stipulated period of three months. The second petition [WP(C) No.448 of 2024] preferred by the writ petitioner for the same relief was again disposed of on 04.07.2024 on the first date with similar directions upon the respondents to consider his case in the light of the communications dated 21.12.2023 and 22.05.2024 within a stipulated period of two months. Therefore, the writ petitioner preferred a review petition bearing Review Pet. No.21 of 2024 which has also been disposed of on 12.09.2024 as being frivolous with a cost of Rs.5,000/- since the writ petitioner had failed to disclose any error apparent on the face of the record.

Mr. Prasanta Kr. Pal, learned senior counsel for the writ petitioner submits that the objection of the Accountant General to re-fixation of the dates of CAS benefits upon completion of 17 years and 25 years have not been properly met by the State-respondents. There is no basis to refuse the benefits of CAS from the due date claimed by the writ petitioner. Therefore, the writ petitioner has been pursuing the matter by filing successive writ petitions and review petition also.

Mr. D. Sarma, learned Additional Government Advocate for the respondents-State submits that taking note of the objection of the office of the Accountant General, the proposal of the Administrative Department has been turned down by the Finance Department. However, to his knowledge, the same

has not been communicated to the writ petitioner. Since the writ petitions and the review petition were disposed of at the motion stage, counter-affidavit could not be filed. He submits that the reasoned order, if any, passed by the competent authority/ sanctioning authority would be communicated to the writ petitioner within a period of four weeks.

Mr. N. Majumder, learned counsel for the Accountant General, Tripura submits that the office of the Accountant General has rightly computed the dates for grant of the CAS-II benefits in favour of the writ petitioner as per rules.

Mr. Prasanta Kr. Pal, learned senior counsel for the writ petitioner, in such circumstances seeks liberty to assail the reasoned order in a fresh proceedings in accordance with law.

Accordingly, the instant appeal is disposed of with the aforesaid observations. The cost of Rs.5,000/- is waived off.

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

(S. D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ