

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 759 of 2024

Sri Himangshu Das and Another

---Petitioner(s)

Versus

The State of Tripura and 2 Others

---Respondent(s)

For Petitioner(s)	:	Mr. Arijit Bhowmik, Advocate. Mr. Swarupam Saha, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

01.05.2025

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- 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 given the benefit of one increment as per Rule 13(1) (ii) of the Tripura States Civil Services (Revised Pay) Rules, 2009 alongwith arrears of financial benefit.

And

Issue Rule calling upon the Respondents to show cause as to why the Petitioners shall not be granted all financial benefits per the as Judgment and order dated 19th March, 2021 passed in W.P(C) No. 703/2019 by this Hon'ble High Court as upheld by the Ld. Division Bench in W.A No. 207/2021 (Annexure 9 and 10 to the Writ Petition).

And after hearing the parties, be pleased to make the rule absolute.

AND/OR

Pass any other order/orders as deemed fit and proper by this Hon'ble Court.

[3] It is the case of the petitioner that the petitioners approach this Court by way of filing this instant petition under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to grant one increment in favour of the Petitioners for the D.El.Ed (formerly D.Ed) training undergone by the Petitioners prior to entry into the service as per Rule 13(1) (ii)

of the Tripura State Civil Services (Revised Pay) Rules, 2009. The petitioner No.1 was appointed as Post Graduate Teacher in Bengali subject in Ram Krishna Siksha Pratisthan Class XII School vide offer of appointment dated 21.07.2008. Thereafter, joining of the petitioners was accepted w.e.f. the same date. The petitioners state that the petitioners completed their D.El.Ed (Formerly D.Ed) before entering service and therefore form a separate class being trained teachers and therefore is covered by Rule 13 (1) (ii) of the Revised Pay rules of 2009 and as such the petitioners are entitled to one increment as per the said Rule 13 (1) (ii) of the Rules of 2009. The memorandum dated 6th July, 2011 which restricts the operation of Rule 13 (1) (ii) of the rules of 2009 is illegal being violative of the statute. The petitioner No.2 was appointed as Post Graduate Teacher in Ram Krishna Siksha Pratisthan Class- XII School, Kailashahar, North Tripura vide offer of appointment dated 11.11.2011. Thereafter the joining of the petitioner No. 2 was accepted from the same date. The petitioners through their engaged lawyer submitted legal notice before the respondents on 11.09.2024 and enclosing all the documents of the petitioners. But till date the said legal notice has not been considered by the respondents.

[4] Aggrieved by conduct of the respondents the petitioners have filed this writ petition.

[5] It is seen from the record that a representation dated 11.09.2024 was made to the respondents by the petitioners herein but it is also apparent from the record that no action has yet been taken on the said representation compelling the petitioners to approach before this court for seeking relief.

[6] In view of above submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioners in the light of the

representation dated 11.09.2024 in accordance with law within a period of two months from the date of receipt of copy of this order. After considering the said representation, the said decision of the respondents be communicated to the petitioners as expeditiously as possible.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

HIGH COURT OF TRIPURA

JUDGE



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